

Senate Bill 804

Sponsored by Senator MANNING JR (at the request of Kyle Purdy)

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**.

Changes date of certain elections in presidential election years from third Tuesday in May to first Tuesday in March. Changes date of elections held in March from second Tuesday in March to first Tuesday in March. Changes date of elections held in May from third Tuesday in May to fourth Tuesday in May. Alters candidate filing deadlines for changed elections.

Removes option for major political parties to elect precinct committeepersons. Allows major political parties to select precinct committeepersons in any manner provided by party.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to elections; creating new provisions; amending ORS 171.010, 171.185, 203.085, 221.230,
3 248.007, 248.035, 248.043, 248.045, 249.013, 249.031, 249.035, 249.037, 249.056, 251.026, 254.056,
4 254.115, 255.185, 255.335, 255.345, 258.075 and 260.005; repealing ORS 248.015, 248.017, 248.019,
5 248.021, 248.023, 248.024, 248.026, 248.027 and 248.029; and declaring an emergency.

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

7 **SECTION 1.** ORS 254.056 is amended to read:

8 254.056. (1) The general election shall be held on the first Tuesday after the first Monday in
9 November of each even-numbered year. Except as provided in ORS 254.650, at the general election
10 officers of the state and subdivisions of the state, members of Congress and electors of President
11 and Vice President of the United States as are to be elected in that year shall be elected.

12 (2)(a)(A) **Except as provided in subparagraph (B) of this paragraph**, the primary election
13 shall be held on the *[third]* **fourth** Tuesday in May of each even-numbered year. *[At the primary*
14 *election precinct committeepersons shall be elected and major political party candidates shall be nomi-*
15 *nated for offices to be filled at the general election held in that year.]*

16 **(B) The primary election shall be held on the first Tuesday in March of each even-**
17 **numbered year in which a President and Vice President of the United States are to be nom-**
18 **inated and elected.**

19 **(b) At the primary election, major political party candidates shall be nominated for of-**
20 **fices to be filled at the general election held in that year.**

21 **SECTION 2.** ORS 255.185 is amended to read:

22 255.185. (1) In a district that holds regular district elections, if an initiative or referendum pe-
23 tition contains the required number of verified signatures, the election on the district measure shall
24 be held on the **first Tuesday in March**, *[third]* **fourth** Tuesday in May, the first Tuesday after the
25 first Monday in November or the date of the next scheduled regular district election. The election
26 date may not be sooner than the next available date listed in this subsection for which the filing
27 deadline may be met and may not be later than the first regular district election following the 40th
28 day after the date of the order calling the election.

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 (2) In a district that does not hold regular district elections, if an initiative or referendum pe-
 2 tition contains the required number of verified signatures, the election on the district measure shall
 3 be held at the next available date listed in subsection (1) of this section for which the filing deadline
 4 may be met.

5 **SECTION 3.** ORS 255.335 is amended to read:

6 255.335. Except as provided in ORS 255.400 to 255.424:

7 (1) The regular district election shall be held by each district for the purpose of electing mem-
 8 bers of the district board to succeed a member whose term expires the following June 30 and to
 9 elect members to fill any vacancy which then may exist. The election shall be held in each such
 10 district in each odd-numbered year on **either the first Tuesday in March or the [third] fourth**
 11 **Tuesday in May.**

12 (2) A district shall not conduct more than one election of board members in any year.

13 (3) The first regular district election in a district shall be held on the regular district election
 14 date next following the year in which the first members of the district board were elected or ap-
 15 pointed.

16 (4) The term of a board member elected at the regular district election shall commence on the
 17 first day of July next following the election and shall expire June 30 next following the regular
 18 district election at which a successor is elected.

19 (5) Each district board shall hold a regular organizational meeting following the regular district
 20 election and not later than the last day of July of that year.

21 **SECTION 4.** ORS 249.037 is amended to read:

22 249.037. (1) Except as otherwise provided in this section, a nominating petition or declaration
 23 of candidacy shall be filed not sooner than the 250th day and not later than the 70th day before the
 24 date of the nominating election.

25 (2) If a vacancy occurs in a partisan elective office after the 80th day and before the 70th day
 26 before the nominating election, a nominating petition or declaration of candidacy for that office may
 27 be filed not later than the 65th day before the nominating election.

28 (3)(a) **For a nominating election held on the first Tuesday in March, a nominating petition**
 29 **or declaration of candidacy shall be filed not sooner than the 250th day before the date of the**
 30 **nominating election and not later than the third Tuesday in December in the year before the**
 31 **nominating election.** *[A declaration of candidacy for the office of precinct committeeperson shall be*
 32 *filed not sooner than the 250th day and not later than the 70th day before the date of the primary*
 33 *election.]*

34 (b) **For a nominating election held on the fourth Tuesday in May, a nominating petition**
 35 **or declaration of candidacy shall be filed not sooner than the 250th day before the date of the**
 36 **nominating election and not later than the third Tuesday in March in the year of the nomi-**
 37 **nating election.**

38 **SECTION 5.** ORS 221.230 is amended to read:

39 221.230. (1) Except as provided in subsection (3) of this section, no election on a city measure
 40 referred by the city governing body or for a city office shall be held on any date other than:

- 41 (a) The [second] **first** Tuesday in March;
- 42 (b) The [third] **fourth** Tuesday in May;
- 43 (c) The fourth Tuesday in August; or
- 44 (d) The first Tuesday after the first Monday in November.

45 (2) Except as provided in subsection (3) of this section, no election on a city measure other than

1 a city measure referred by the city governing body shall be held on any date other than:

2 **(a) The first Tuesday in March;**

3 [(a)] **(b) The [third] fourth** Tuesday in May; or

4 [(b)] **(c) The first Tuesday after the first Monday in November.**

5 (3) An emergency election may be held on a date other than those provided in subsection (1)
6 or (2) of this section if the city governing body by resolution finds that an emergency exists that
7 will require an election sooner than the next available election date to avoid extraordinary hardship
8 to the community. A determination under this subsection as to whether an emergency exists is
9 within the sole discretion of the city governing body.

10 (4) A city governing body, with adequate notice, shall hold a public hearing, on a date other
11 than a regularly scheduled council meeting, for the purpose of making findings substantiating the
12 fact that an emergency exists before scheduling an election on a date other than those specified in
13 subsection (1) or (2) of this section.

14 (5) Notice of a city's intent to hold an emergency election shall be filed with the county
15 elections authority no later than 47 days preceding the desired election date. At the time the notice
16 of election is given to the county elections authority, the city shall also file with the elections au-
17 thority a certified copy of the ballot title and a copy of the resolution and findings adopted by the
18 city governing body to authorize the emergency election as required under subsection (4) of this
19 section.

20 **SECTION 6.** ORS 203.085 is amended to read:

21 203.085. (1) Except as provided in subsection (3) of this section, no election on a county measure
22 referred by the county governing body or for a county office shall be held on any date other than:

23 (a) The [second] **first** Tuesday in March;

24 (b) The [third] **fourth** Tuesday in May;

25 (c) The fourth Tuesday in August; or

26 (d) The first Tuesday after the first Monday in November.

27 (2) Except as provided in subsection (3) of this section, no election on a county measure other
28 than a county measure referred by the county governing body shall be held on any date other than:

29 **(a) The first Tuesday in March;**

30 [(a)] **(b) The [third] fourth** Tuesday in May; or

31 [(b)] **(c) The first Tuesday after the first Monday in November.**

32 (3) An emergency election may be held on a date other than those provided in subsection (1)
33 or (2) of this section if the county governing body by resolution finds that an emergency exists that
34 will require an election sooner than the next available election date to avoid extraordinary hardship
35 to the community. A determination under this subsection as to whether an emergency exists is
36 within the sole discretion of the county governing body.

37 (4) A county governing body, with adequate notice, shall hold a public hearing, on a date other
38 than a regularly scheduled meeting, for the purpose of making findings substantiating the fact that
39 an emergency exists before scheduling an election on a date other than those specified in subsection
40 (1) or (2) of this section.

41 (5) Notice of a county's intent to hold an emergency election shall be filed with the county
42 elections authority no later than 47 days preceding the desired election date. At the time the notice
43 of election is given to the county elections authority, the county shall also file with the elections
44 authority a certified copy of the ballot title and a copy of the resolution and findings adopted by the
45 county governing body to authorize the emergency election as required under subsection (4) of this

1 section.

2 **SECTION 7.** ORS 171.185 is amended to read:

3 171.185. (1) Except as provided in subsection (2) of this section, an election called by the Leg-
4 islative Assembly shall be held only on:

- 5 (a) The [*second*] **first** Tuesday in March;
- 6 (b) The [*third*] **fourth** Tuesday in May;
- 7 (c) The fourth Tuesday in August; or
- 8 (d) The first Tuesday after the first Monday in November.

9 (2) An election may be held on a date other than that provided in subsection (1) of this section,
10 if the Legislative Assembly by resolution or Act finds that an election sooner than the next avail-
11 able election date is required on a measure to finance repairs to property damaged by fire,
12 vandalism or a natural disaster.

13 **SECTION 8.** ORS 255.345 is amended to read:

14 255.345. (1) Except as provided in subsection (2) of this section, a special election called by a
15 district elections authority shall not be held on any date other than:

- 16 (a) The [*second*] **first** Tuesday in March;
- 17 (b) The [*third*] **fourth** Tuesday in May;
- 18 (c) The fourth Tuesday in August; or
- 19 (d) The first Tuesday after the first Monday in November.

20 (2) A special election may be held on a date other than that provided in subsection (1) of this
21 section, if the district elections authority by resolution finds that an election sooner than the next
22 available election date is required on a measure to finance repairs to property damaged by fire,
23 vandalism or a natural disaster.

24 (3) As used in this section, “district elections authority” means the body or officer authorized
25 or required to call an election for a public corporation formed under, and deriving its powers solely
26 from, the statutes of this state, but does not include a city or county.

27 **SECTION 9.** ORS 258.075 is amended to read:

28 258.075. (1) Except as provided in subsection (4) of this section, after the contest hearing, the
29 circuit court shall render a judgment affirming or setting aside the approval or rejection of the
30 measure.

31 (2) If the judgment sets aside the approval or rejection of a measure, the circuit court shall di-
32 rect the measure to be resubmitted at a special election held on one of the dates specified in this
33 subsection, as set by the court. In setting the election date, the court shall provide sufficient time
34 for adequate notice to be given. The special election may be held on any of the following dates:

- 35 (a) The [*second*] **first** Tuesday in March;
- 36 (b) The [*third*] **fourth** Tuesday in May;
- 37 (c) The fourth Tuesday in August; or
- 38 (d) The first Tuesday after the first Monday in November.

39 (3) The county of the county clerk or the local elections official who committed the error in the
40 distribution of the official ballots shall bear the cost of the special election.

41 (4) In a contest under ORS 258.016 (7), the court shall determine whether the challenge to the
42 determination of the number of electors who were eligible on election day to participate in the
43 election on a measure conducted under Article XI, section 11 (8), of the Oregon Constitution, is
44 valid. In making the determination, the court shall rely on the provisions of ORS chapter 247 and
45 shall receive testimony from the county clerk regarding the clerk’s administration of ORS chapter

1 247. If, after a contest hearing, the court determines that the challenge to the determination of the
 2 number of electors who were eligible to participate is valid and that the change in the number of
 3 electors eligible to participate is sufficient to change the outcome of the election on the measure,
 4 the court shall order the county clerk to make a new determination of the number of eligible elec-
 5 tors and to certify the results of the election based on the new determination.

6 **SECTION 10.** ORS 171.010 is amended to read:

7 171.010. The regular sessions of the Legislative Assembly shall be held at the capital of the state
 8 and shall commence:

9 (1) In the case of an odd-numbered year regular session, on the Tuesday after the holiday for
 10 Martin Luther King, Jr.'s Birthday.

11 (2)(a) **Except as provided in paragraph (b) of this subsection**, in the case of an even-
 12 numbered year regular session, on the first day of February, except that if the first day of February
 13 is a Thursday, Friday, Saturday or Sunday, the regular session shall commence on the following
 14 Monday.

15 **(b) In the case of an even-numbered year regular session held in a year in which a**
 16 **President and Vice President of the United States are to be nominated and elected, on the**
 17 **first day of May, except that if the first day of May is a Thursday, Friday, Saturday or**
 18 **Sunday, the regular session shall commence on the following Monday.**

19 **SECTION 11.** ORS 248.007 is amended to read:

20 248.007. (1) Subject to ORS 248.005, a major political party may organize and select delegates
 21 to national party conventions in any manner.

22 **(2) A major political party may select precinct committeepersons as representatives of**
 23 **the major political party in the precinct in any manner provided by the party.**

24 [(2)] (3) The provisions of ORS 248.012 to 248.315 do not apply to a major political party if the
 25 party has notified the Secretary of State as provided in subsection (5) of this section that the party
 26 does not intend to be subject to the provisions of ORS 248.012 to 248.315. References to precinct
 27 committeepersons in any provisions of ORS chapters 246 to 260 do not apply to a party described
 28 in this subsection.

29 [(3)] (4) ORS 248.012 to 248.315 apply only to a major political party that has notified the Sec-
 30 retary of State as provided in subsection (5) of this section that the political party intends to be
 31 subject to the provisions of ORS 248.012 to 248.315. References to precinct committeepersons in any
 32 provisions of ORS chapters 246 to 260 shall apply to a party described in this subsection. If a major
 33 political party fails to notify the Secretary of State under this subsection, the party shall be con-
 34 sidered subject to the provisions of ORS 248.012 to 248.315.

35 [(4) *A major political party shall notify the Secretary of State as provided in subsection (5) of this*
 36 *section if the party does not intend to be subject to the provisions of ORS 248.012 to 248.315 except that*
 37 *the party intends to elect precinct committeepersons. If a party notifies the Secretary of State under this*
 38 *subsection, the party shall elect precinct committeepersons only as provided in ORS 248.015 and shall*
 39 *elect precinct committeepersons in the same manner in all precincts in this state.*]

40 (5) Not later than the 271st day before the date of the primary election, a major political party
 41 shall notify the Secretary of State in writing whether or not the party intends to be subject to the
 42 provisions of ORS 248.012 to 248.315. [*or whether the party intends to elect precinct committeepersons*
 43 *under subsection (4) of this section. If the major political party does not intend to be subject to the*
 44 *provisions of ORS 248.012 to 248.315 or intends to elect precinct committeepersons under subsection (4)*
 45 *of this section, the party shall file with the Secretary of State,] At the same time notice is given under*

1 this subsection, **the party shall file with the secretary** a copy of its organizational documents
 2 setting forth the manner in which its officers and managing committees are selected [*or*] **and** any
 3 other manner in which it conducts its affairs.

4 (6) In each even-numbered year, a major political party shall file with the Secretary of State a
 5 statement indicating [*that*] **whether** the party is operating subject to ORS 248.012 to 248.315 [*or*]
 6 **and** a copy of current organizational documents setting forth the manner in which its officers and
 7 managing committees are selected [*or*] **and** any other manner in which it conducts its affairs. Ma-
 8 terial described in this subsection shall be filed between the 271st and the 277th day before the third
 9 Tuesday in May of each odd-numbered year.

10 (7) A major political party subject to the provisions of this section shall nominate candidates
 11 of the major political party, for other than political party office, at the primary election.

12 **SECTION 12.** ORS 248.035 is amended to read:

13 248.035. (1) At the organizational meeting of a county central committee:

14 (a) The officers of the retiring county central committee shall make available to the committee
 15 the property, records and funds owned or controlled by the retiring committee.

16 (b) The committee next shall elect a chairperson, vice chairperson and other officers the com-
 17 mittee considers necessary. The persons elected to the offices need not be members of the county
 18 central committee. The committee shall determine the term of each office. [*Only a newly elected*
 19 *precinct committeeperson may vote on the election of committee officers.*]

20 (2) The elected chairperson, within 48 hours of the chairperson's election, shall send a list of the
 21 officers of the committee to the county elections official and to the state central committee.

22 (3) [*Only a newly elected precinct committeeperson or a person appointed or selected to fill a va-*
 23 *vacancy in the office of precinct committeeperson may vote to fill a vacancy in a committee office.*] Im-
 24 mediately before a meeting of the county central committee at which there may be an election to
 25 fill a vacancy in a committee office, the chairperson shall obtain from the county elections official
 26 a list of committee members. [*The list shall determine the eligibility of a precinct committeeperson to*
 27 *vote to fill a vacancy in a committee office.*]

28 **SECTION 13.** ORS 248.043 is amended to read:

29 248.043. If a newly elected county central committee fails to meet or to organize or if no person
 30 within a county is [*elected*] **selected** by a major political party as a precinct committeeperson, the
 31 chairperson of the retiring state central committee shall appoint a temporary chairperson of the
 32 county central committee. The temporary chairperson shall call an organizational meeting and or-
 33 ganize the committee as provided by applicable provisions of ORS 248.033 and 248.035. A temporary
 34 chairperson appointed when no precinct committeeperson is [*elected*] **selected** may appoint members
 35 to fill the vacancies in the office of precinct committeeperson for the precinct in which the persons
 36 are registered. A person so appointed may be removed from office at the pleasure of the central
 37 committee, but otherwise shall hold the office of precinct committeeperson for the unexpired term
 38 and shall have the powers, duties and privileges of a precinct committeeperson. When a person is
 39 appointed to the office of precinct committeeperson pursuant to this subsection, the temporary
 40 chairperson shall notify, in writing, the county elections official of the appointment. The county
 41 elections official shall place the name of the person appointed on the list of precinct committeeper-
 42 sons.

43 **SECTION 14.** ORS 248.045 is amended to read:

44 248.045. Proxies in no instance shall be permitted to participate at any county central committee
 45 meeting. At any meeting of the county central committee, the committee may:

1 (1) Adopt, amend or repeal bylaws or rules for the government of the political party in the
2 county.

3 (2) By the adoption of bylaws or of a resolution, select an executive committee and authorize
4 the executive committee to exercise those powers delegated to it by the central committee [*includ-*
5 *ing, but not limited to, the power to fill a vacancy in the office of committeeperson pursuant to ORS*
6 *248.026*]. In no event may the central committee delegate, or the executive committee exercise, the
7 power to elect a person to, or fill a vacancy in a committee office. The persons selected as the
8 executive committee need not be members of the county central committee.

9 (3) [*Except as provided by ORS 248.035 (3),*] Grant participation and voting privileges to a:

10 (a) Person who holds a public office or an office of a political party.

11 (b) Person who has been nominated for a public office at the preceding primary election.

12 (c) Member of the executive committee of the county central committee.

13 **SECTION 15.** ORS 249.013 is amended to read:

14 249.013. (1) A person may not be a candidate for more than one lucrative office to be filled at
15 the same election.

16 (2)[*(a)*] A person may not file a nominating petition or declaration of candidacy for more than
17 one lucrative office [*or more than one office of precinct committeeperson*] before the date of the
18 election at which a person will be nominated or elected to each office unless the person first files
19 a written withdrawal, under ORS 249.170, of the person's initial filing.

20 [*(b) Notwithstanding ORS 249.170, if a person files a declaration of write-in candidacy for an office*
21 *of precinct committeeperson under ORS 248.019, any prior declaration of candidacy for the office of*
22 *precinct committeeperson that was filed for that election by the same person is considered withdrawn.*]

23 (3) If at any time before the date of the election at which a person will be nominated or elected
24 to each office it is determined that a person has filed two or more nominating petitions or declara-
25 tions of candidacy for any lucrative office [*or two or more nominating petitions or declarations of*
26 *candidacy for the office of precinct committeeperson*] without written withdrawal or withdrawals in-
27 tervening, all such filings are invalid and any other filing made by the same person is void.

28 (4)(a) A person may not be a candidate for more than one position on the same district board
29 to be filled at the same election.

30 (b) As used in this subsection, "district board" means the governing body of a district as defined
31 in ORS 255.012.

32 (5) A person may not be a candidate for more than one city office to be filled at the same
33 election.

34 (6) Notwithstanding any provision of this section, in the case of a vacancy to be filled by
35 election, the same person is eligible for nomination and election to both the unexpired and the
36 succeeding terms. The name of the candidate may be placed on the ballot in both places.

37 **SECTION 16.** ORS 249.031 is amended to read:

38 249.031. (1) [*Except as provided in subsection (2) of this section,*] A nominating petition or decla-
39 ration of candidacy shall contain:

40 (a) The name by which the candidate is commonly known. A candidate may use a nickname in
41 parentheses in connection with the candidate's full name.

42 (b) Address information as required by the Secretary of State by rule.

43 (c) The office and department or position number, if any, for which the candidate seeks nomi-
44 nation.

45 (d) If the candidate is seeking the nomination of a major political party, the name of the major

1 political party of which the candidate will have been a member, subject to the exceptions stated in
 2 ORS 249.046, during at least 180 days before the deadline for filing a nominating petition or decla-
 3 ration of candidacy.

4 (e) A statement that the candidate is willing to accept the nomination or election [*or, regarding*
 5 *a candidate for precinct committeeperson, that the candidate accepts the office if elected*].

6 (f) A statement that the candidate will qualify if elected.

7 (g) If the candidate is seeking the nomination of a major political party, a statement that the
 8 candidate, if not nominated, will not accept the nomination or endorsement of any political party
 9 other than the one of which the candidate is a member on the date the petition or declaration is
 10 filed.

11 (h) The signature of the candidate.

12 (i) A statement of the candidate's occupation, educational and occupational background and
 13 prior governmental experience.

14 [(2) Subsection (1)(i) of this section does not apply to a candidate for election as a precinct com-
 15 mitteeperson.]

16 [(3)] (2) The Secretary of State shall ensure that the templates for a nominating petition or
 17 declaration of candidacy provide the candidate with the option to provide the candidate's race and
 18 ethnicity.

19 [(4)] (3) A declaration of candidacy shall include a statement that the required fee is included
 20 with the declaration.

21 [(5) If required by the national rules of the major political party, the declaration of a candidate for
 22 election as a precinct committeeperson shall include the name of the individual the candidate supports
 23 for President of the United States or "uncommitted" or "no preference."]

24 **SECTION 17.** ORS 249.035 is amended to read:

25 249.035. A nominating petition[, *write-in form prepared under ORS 248.019 or 248.021*] or decla-
 26 ration of candidacy relating to a candidate for:

27 (1) State office, United States Senator or Representative in Congress shall be filed with the
 28 Secretary of State.

29 (2) County office [*or precinct committeeperson*] shall be filed with the county elections official.

30 (3) City office shall be filed with the chief city elections officer.

31 (4) Any elected office of a metropolitan service district under ORS chapter 268 shall be filed
 32 with the county elections official of the county in which the administrative office of the district is
 33 located.

34 (5) Any other office shall be filed under ORS chapter 255.

35 **SECTION 18.** ORS 249.056 is amended to read:

36 249.056. (1) At the time of filing a declaration of candidacy a candidate for the following offices
 37 shall pay to the officer with whom the declaration is filed the following fee:

38 (a) United States Senator, \$150.

39 (b) Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bu-
 40 reau of Labor and Industries, Representative in Congress, judge of the Supreme Court, Court of
 41 Appeals or Oregon Tax Court, or executive officer or auditor of a metropolitan service district, \$100.

42 (c) County officer, district attorney, county judge who exercises judicial functions or circuit
 43 court judge, \$50.

44 (d) State Senator or Representative or councilor of a metropolitan service district under ORS
 45 chapter 268, \$25.

1 (2) *[No filing fee shall be required of]* **A filing fee is not required for** persons filing a declara-
 2 tion of candidacy for *[precinct committeeperson or]* justice of the peace.

3 **SECTION 19.** ORS 251.026 is amended to read:

4 251.026. (1) The Secretary of State shall prepare and have printed in the voters' pamphlet for
 5 the state primary election, the general election and any special election described in ORS 251.022
 6 a statement containing, if applicable:

7 (a) Requirements for a citizen to qualify as an elector.

8 (b) When an elector is required to register or update a registration.

9 *[(c) In the voters' pamphlet for the primary election, a statement of the duties and responsibilities*
 10 *of a precinct committeeperson to be elected at the primary election.]*

11 *[(d)]* (c) Any other information the Secretary of State considers relevant to the conduct of the
 12 election.

13 (2) The Secretary of State, in cooperation with the county clerks, shall include:

14 (a) A statement on the cover of the voters' pamphlet that the pamphlet may be used to assist
 15 electors in voting; and

16 (b)(A) Statements in the information section of the voters' pamphlet on the pages immediately
 17 following the page containing the Secretary of State letter, to the extent reasonably practicable,
 18 that, for residents of each county to which the voters' pamphlet is distributed:

19 (i) Are written in English and the five additional common languages for the county listed by the
 20 Secretary of State under ORS 251.167;

21 (ii) Explain that an electronic copy of portions of the voters' pamphlet is publicly available in
 22 that language; and

23 (iii) Provide the website address to the translated voters' pamphlet.

24 (B) The statements required under subparagraph (A) of this paragraph must be written so as to
 25 be clearly readable.

26 (C) The Secretary of State may adopt rules necessary to implement this paragraph.

27 (3) The Secretary of State may include in the voters' pamphlet the following information:

28 (a) Maps showing the boundaries of senatorial and representative districts.

29 (b) Voter registration forms.

30 (c) Elector instructions, including the right of an elector to request a second ballot if the first
 31 ballot is spoiled and the right of an elector to seek assistance in marking the ballot.

32 (4)(a) The name of the county clerk or other filing officer may not appear in the voters' pamphlet
 33 in the county clerk's or filing officer's official capacity if the county clerk or filing officer is a
 34 candidate in the election for which the voters' pamphlet is printed.

35 (b) As used in this subsection, "filing officer" has the meaning given that term in ORS 254.165.

36 **SECTION 20.** ORS 254.115 is amended to read:

37 254.115. (1) The official primary election ballot shall be styled "Official Primary Nominating
 38 Ballot for the _____ Party." and shall state:

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

40 (b) The date of the primary election.

41 (c) The names of all candidates for nomination at the primary election whose nominating pe-
 42 titions or declarations of candidacy have been made and filed, and who have not died, withdrawn
 43 or become disqualified.

44 *[(d) The names of candidates for election as precinct committeeperson.]*

45 *[(e)]* (d) The names of candidates for the party nomination for President of the United States

1 who qualified for the ballot under ORS 249.078.

2 (2) The primary election ballot may include any city, county or nonpartisan office or the number,
3 ballot title and financial estimates under ORS 250.125 of any measure.

4 (3)(a) The ballot may not contain the name of any person other than those referred to in sub-
5 sections (1) and (2) of this section.

6 (b) The name of each candidate for whom a nominating petition or declaration of candidacy has
7 been filed shall be printed on the ballot in but one place, except in circumstances where a candidate
8 may hold more than one office or nomination without violating ORS 249.013.

9 (c) In the event that two or more candidates for the same nomination or office have the same
10 or similar surnames, the location of their places of residence shall be printed with their names to
11 distinguish one from another.

12 **SECTION 21.** ORS 260.005 is amended to read:

13 260.005. As used in this chapter:

14 (1)[(a)] "Candidate" means:

15 [(A)] (a) An individual whose name is printed on a ballot, for whom a declaration of candidacy,
16 nominating petition or certificate of nomination to public office has been filed or whose name is
17 expected to be or has been presented, with the individual's consent, for nomination or election to
18 public office;

19 [(B)] (b) An individual who has solicited or received and accepted a contribution, made an ex-
20 penditure, or given consent to an individual, organization, political party or political committee to
21 solicit or receive and accept a contribution or make an expenditure on the individual's behalf to
22 secure nomination or election to any public office at any time, whether or not the office for which
23 the individual will seek nomination or election is known when the solicitation is made, the contri-
24 bution is received and retained or the expenditure is made, and whether or not the name of the in-
25 dividual is printed on a ballot; or

26 [(C)] (c) A public office holder against whom a recall petition has been completed and filed.

27 [(b) For purposes of this section and ORS 260.035 to 260.156, "candidate" does not include a can-
28 didate for the office of precinct committeeperson.]

29 (2) "Committee director" means any person who directly and substantially participates in
30 decision-making on behalf of a political committee concerning the solicitation or expenditure of
31 funds and the support of or opposition to candidates or measures. The officers of a political party
32 shall be considered the directors of any political party committee of that party, unless otherwise
33 provided in the party's bylaws.

34 (3) Except as provided in ORS 260.007, "contribute" or "contribution" includes:

35 (a) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compen-
36 sation or consideration, of money, services other than personal services for which no compensation
37 is asked or given, supplies, equipment or any other thing of value:

38 (A) For the purpose of influencing an election for public office or an election on a measure, or
39 of reducing the debt of a candidate for nomination or election to public office or the debt of a pol-
40 itical committee; or

41 (B) To or on behalf of a candidate, political committee or measure; and

42 (b) The excess value of a contribution made for compensation or consideration of less than
43 equivalent value.

44 (4) "Controlled committee" means a political committee that, in connection with the making of
45 contributions or expenditures:

- 1 (a) Is controlled directly or indirectly by a candidate or a controlled committee; or
 2 (b) Acts jointly with a candidate or controlled committee.
 3 (5) “Controlled directly or indirectly by a candidate” means:
 4 (a) The candidate, the candidate’s agent, a member of the candidate’s immediate family or any
 5 other political committee that the candidate controls has a significant influence on the actions or
 6 decisions of the political committee; or
 7 (b) The candidate’s principal campaign committee and the political committee both have the
 8 candidate or a member of the candidate’s immediate family as a treasurer or director.
 9 (6) “County clerk” means the county clerk or the county official in charge of elections.
 10 (7) “Elector” means an individual qualified to vote under Article II, section 2, of the Oregon
 11 Constitution.
 12 (8) Except as provided in ORS 260.007, “expend” or “expenditure” includes the payment or fur-
 13 nishing of money or anything of value or the incurring or repayment of indebtedness or obligation
 14 by or on behalf of a candidate, political committee or person in consideration for any services,
 15 supplies, equipment or other thing of value performed or furnished for any reason, including support
 16 of or opposition to a candidate, political committee or measure, or for reducing the debt of a candi-
 17 date for nomination or election to public office. “Expenditure” also includes contributions made
 18 by a candidate or political committee to or on behalf of any other candidate or political committee.
 19 (9) “Filing officer” means:
 20 (a) The Secretary of State:
 21 (A) Regarding a candidate for public office;
 22 (B) Regarding a statement required to be filed under ORS 260.118;
 23 (C) Regarding any measure; or
 24 (D) Regarding any political committee.
 25 (b) In the case of an irrigation district formed under ORS chapter 545, “filing officer” means:
 26 (A) The county clerk, regarding any candidate for office or any measure at an irrigation district
 27 formation election where the proposed district is situated wholly in one county;
 28 (B) The county clerk of the county in which the office of the secretary of the proposed irrigation
 29 district will be located, regarding any candidate for office or any measure at an irrigation district
 30 formation election where the proposed district is situated in more than one county; or
 31 (C) The secretary of the irrigation district for any election other than an irrigation district
 32 formation election.
 33 (10) “Independent expenditure” means an expenditure by a person for a communication in sup-
 34 port of or in opposition to a clearly identified candidate or measure that is not made with the co-
 35 operation or with the prior consent of, or in consultation with, or at the request or suggestion of,
 36 a candidate or any agent or authorized committee of the candidate, or any political committee or
 37 agent of a political committee supporting or opposing a measure. For purposes of this subsection:
 38 (a) “Agent” means any person who has:
 39 (A) Actual oral or written authority, either express or implied, to make or to authorize the
 40 making of expenditures on behalf of a candidate or on behalf of a political committee supporting or
 41 opposing a measure; or
 42 (B) Been placed in a position within the campaign organization where it would reasonably ap-
 43 pear that in the ordinary course of campaign-related activities the person may authorize expen-
 44 ditures.
 45 (b)(A) “Clearly identified” means, with respect to candidates:

- 1 (i) The name of the candidate involved appears;
- 2 (ii) A photograph or drawing of the candidate appears; or
- 3 (iii) The identity of the candidate is apparent by unambiguous reference.
- 4 (B) “Clearly identified” means, with respect to measures:
- 5 (i) The ballot number of the measure appears;
- 6 (ii) A description of the measure’s subject or effect appears; or
- 7 (iii) The identity of the measure is apparent by unambiguous reference.
- 8 (c) “Communication in support of or in opposition to a clearly identified candidate or measure”
- 9 means:
- 10 (A)(i) The communication, when taken as a whole and with limited reference to external events,
- 11 such as the proximity to the election, could only be interpreted by a reasonable person as containing
- 12 advocacy for the election or defeat of a clearly identified candidate for nomination or election to
- 13 public office, or the passage or defeat of a clearly identified measure; and
- 14 (ii) The electoral portion of the communication is unmistakable, unambiguous and suggestive of
- 15 only one meaning; or
- 16 (B)(i) The communication involves aggregate expenditures of more than \$250 by a person;
- 17 (ii) The communication refers to a clearly identified candidate or measure that will appear on
- 18 the ballot or to a political party; and
- 19 (iii) The communication is published and disseminated to the relevant electorate within 60 cal-
- 20 endar days before a primary election, 120 calendar days before a general election or 90 calendar
- 21 days before an election other than a primary election or a general election.
- 22 (d) “Made with the cooperation or with the prior consent of, or in consultation with, or at the
- 23 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any
- 24 political committee or agent of a political committee supporting or opposing a measure”:
- 25 (A) Means any arrangement, coordination or direction by the candidate or the candidate’s agent,
- 26 or by any political committee or agent of a political committee supporting or opposing a measure,
- 27 prior to the publication, distribution, display or broadcast of the communication. An expenditure
- 28 shall be presumed to be so made when it is:
- 29 (i) Based on information about the plans, projects or needs of the candidate, or of the political
- 30 committee supporting or opposing a measure, and provided to the expending person by the candidate
- 31 or by the candidate’s agent, or by any political committee or agent of a political committee sup-
- 32 porting or opposing a measure, with a view toward having an expenditure made; or
- 33 (ii) Made by or through any person who is or has been authorized to raise or expend funds, who
- 34 is or has been an officer of a political committee authorized by the candidate or by a political
- 35 committee or agent of a political committee supporting or opposing a measure, or who is or has been
- 36 receiving any form of compensation or reimbursement from the candidate, the candidate’s principal
- 37 campaign committee or agent or from any political committee or agent of a political committee
- 38 supporting or opposing a measure.
- 39 (B) Does not mean providing to the expending person upon request a copy of this chapter or any
- 40 rules adopted by the Secretary of State relating to independent expenditures.
- 41 (11) “Initiative petition” means a petition to initiate a measure for which a prospective petition
- 42 has been filed but that is not yet a measure.
- 43 (12) “Judge” means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon
- 44 Tax Court.
- 45 (13) “Mass mailing” means more than 200 substantially similar pieces of mail, but does not in-

1 clude a form letter or other mail that is sent in response to an unsolicited request, letter or other
2 inquiry.

3 (14) "Measure" includes any of the following submitted to the people for their approval or re-
4 jection at an election:

5 (a) A proposed law.

6 (b) An Act or part of an Act of the Legislative Assembly.

7 (c) A revision of or amendment to the Oregon Constitution.

8 (d) Local, special or municipal legislation.

9 (e) A proposition or question.

10 (15) "Occupation" means:

11 (a) The nature of an individual's principal business; and

12 (b) If the individual is employed by another person, the business name and address, by city and
13 state, of the employer.

14 (16) "Person" means an individual, corporation, limited liability company, labor organization,
15 association, firm, partnership, joint stock company, club, organization or other combination of indi-
16 viduals having collective capacity.

17 (17) "Petition committee" means an initiative, referendum or recall petition committee organized
18 under ORS 260.118.

19 (18) "Political committee" means a combination of two or more individuals, or a person other
20 than an individual, that has:

21 (a) Received a contribution for the purpose of supporting or opposing a candidate, measure or
22 political party; or

23 (b) Made an expenditure for the purpose of supporting or opposing a candidate, measure or
24 political party. For purposes of this paragraph, an expenditure does not include:

25 (A) A contribution to a candidate or political committee that is required to report the contri-
26 bution on a statement filed under ORS 260.057 or 260.076 or a certificate filed under ORS 260.112;
27 or

28 (B) An independent expenditure for which a statement is required to be filed by a person under
29 ORS 260.044.

30 (19) "Public office" means any national, state, county, district, city office or position, except a
31 political party office, that is filled by the electors.

32 (20) "Recall petition" means a petition to recall a public officer for which a prospective petition
33 has been filed but that is not yet a measure.

34 (21) "Referendum petition" means a petition to refer a measure for which a prospective petition
35 has been filed but that is not yet a measure.

36 (22) "Regular district election" means the regular district election described in ORS 255.335.

37 (23) "State office" means the office of Governor, Secretary of State, State Treasurer, Attorney
38 General, Commissioner of the Bureau of Labor and Industries, state Senator, state Representative,
39 judge or district attorney.

40 **SECTION 22. ORS 248.015, 248.017, 248.019, 248.021, 248.023, 248.024, 248.026, 248.027 and**
41 **248.029 are repealed.**

42 **SECTION 23. (1) The amendments to ORS 171.010, 171.185, 203.085, 221.230, 248.007,**
43 **248.035, 248.043, 248.045, 249.013, 249.031, 249.035, 249.037, 249.056, 251.026, 254.056, 254.115,**
44 **255.185, 255.335, 255.345, 258.075 and 260.005 by sections 1 to 21 of this 2023 Act apply to**
45 **elections occurring and the selection of precinct committee persons on and after the effective**

1 **date of this 2023 Act.**

2 **(2) The repeal of ORS 248.015, 248.017, 248.019, 248.021, 248.023, 248.024, 248.026, 248.027 and**
3 **248.029 by section 22 of this 2023 Act applies to the selection of precinct committeepersons**
4 **on and after the effective date of this 2023 Act.**

5 **SECTION 24. Notwithstanding section 23 of this 2023 Act or ORS 249.037, as amended by**
6 **section 4 of this 2023 Act, a nominating petition or declaration of candidacy for a major**
7 **political party nomination to public office for the nominating election held on March 5, 2024,**
8 **shall be filed not sooner than September 1, 2023, and no later than December 19, 2023.**

9 **SECTION 25. Section 24 of this 2023 Act is repealed on July 2, 2024.**

10 **SECTION 26. This 2023 Act being necessary for the immediate preservation of the public**
11 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
12 **on its passage.**

13