

Requested by Representative RAYFIELD

**PROPOSED AMENDMENTS TO
HOUSE BILL 2004**

1 On page 1 of the printed bill, line 2, delete “and” and after “244.050,” in-
2 sert “246.200,”.

3 Delete line 3 and insert “249.091, 254.065, 254.145, 254.485 and 258.280; and
4 providing that this Act shall be referred to the people for their approval or
5 rejection.”.

6 Delete lines 5 through 28 and delete pages 2 through 9 and insert:

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

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

12 **“(a) President of the United States.**

13 **“(b) United States Senator and Representative in Congress.**

14 **“(c) Governor, Secretary of State, State Treasurer and Attorney
15 General.**

16 **“(2) Ranked choice voting as conducted in the manner set forth in
17 section 4 of this 2023 Act shall be used at the general election to de-
18 termine election to the following offices:**

19 **“(a) President and Vice President of the United States.**

20 **“(b) United States Senator and Representative in Congress.**

21 **“(c) Governor, Secretary of State, State Treasurer and Attorney**

1 **General.**

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

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

7 **“(a) A city may use ranked choice voting to determine election to**
8 **city office.**

9 **“(b) A county may use ranked choice voting to determine election**
10 **to county office.**

11 **“(c) A metropolitan service district organized under ORS chapter**
12 **268 may use ranked choice voting to determine election to office of a**
13 **metropolitan service district.**

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

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

19 **“(2) Unless otherwise prohibited by home rule charter:**

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

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

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

28 **“(d) For any partisan office of a school district as defined in ORS**
29 **330.005, the school district may use ranked choice voting to determine**
30 **the nomination for that office.**

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

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

7 “(4)(a) This section may not be construed to limit, restrict or pre-
8 empt the authority of any home rule jurisdiction to provide for ranked
9 choice voting conducted in the manner set forth in section 4 of this
10 2023 Act to determine nomination for or election to any office in that
11 jurisdiction.

12 “(b) This section may not be construed to limit, restrict or preempt
13 the authority of any home rule jurisdiction that, on or after November
14 8, 2016, and prior to the effective date of this 2023 Act, adopted ranked
15 choice voting to determine elections to office or offices of that juris-
16 diction, to use ranked choice voting in any manner adopted, amended
17 or revised by the jurisdiction, including using ranked choice voting as
18 locally adopted, amended or revised for elections to office or offices
19 of that jurisdiction in lieu of the method of ranked choice voting set
20 forth in section 4 of this 2023 Act and any rules adopted by the Secre-
21 tary of State for the purpose of implementing section 4 of this 2023
22 Act.

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

25 “(a) Adopt rules to implement this section; and

26 “(b) Provide formal and informal guidance to cities, counties, met-
27 ropolitan service districts organized under ORS chapter 268, school
28 districts as defined in ORS 330.005 and local governments and local
29 service districts, as both are defined in ORS 174.116, regarding the
30 implementation of this section.

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

5 **“(2)(a) The ballot shall provide electors with the option of ranking**
6 **as many choices of qualified candidates and qualified write-in candi-**
7 **dates as practicable.**

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

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

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

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

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

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

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

29 **“(a) Receiving more votes than a threshold determined by dividing**
30 **the total votes counted for active candidates in the first round of**

1 tabulation by the sum of the number of people to be elected plus one,
2 with all votes that are received by a candidate that are in excess of
3 the minimum number of votes required to be elected to office being
4 transferred to lower-ranked active candidates in the manner set forth
5 in the proportional methodology adopted by the secretary under this
6 subsection; or

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

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

14 “(5)(a) The Secretary of State, in consultation with county clerks
15 and elections officers as defined in ORS 255.005, shall adopt rules nec-
16 essary for the implementation of this section, including, but not lim-
17 ited to:

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

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

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

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

28 “(6) As used in this section:

29 “(a) ‘Active candidate’ means a candidate who has not, for the
30 election at which ballots are being tallied:

1 **“(A) Withdrawn;**

2 **“(B) Been defeated; or**

3 **“(C) Been nominated or elected.**

4 **“(b) ‘Highest-ranked active candidate’ means the active candidate**
5 **assigned to a higher ranking on a ballot than any other active candi-**
6 **date.**

7 **“(c) ‘Ranking’ means the number available to be assigned by an**
8 **elector to a candidate to express the elector’s choice for that candi-**
9 **date, with the number 1 being the highest ranking, followed by the**
10 **number 2, then the number 3, with any additional rankings authorized**
11 **under this section following sequentially.**

12 **“(d) ‘Round’ means an instance of the sequence of voting tabu-**
13 **lation:**

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

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

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

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

24 **“(2) The program established under this section shall:**

25 **“(a) Involve community-based organizations;**

26 **“(b) Be culturally appropriate; and**

27 **“(c) Be available to electors in English and in the five most com-**
28 **monly spoken languages in this state, other than English, that have**
29 **been identified by the secretary under ORS 251.167.**

30 **“SECTION 6. Section 7 of this 2023 Act is added to and made a part**

1 of ORS chapter 249.

2 **“SECTION 7. (1) Notwithstanding ORS 249.016 or any other pro-**
3 **vision of law:**

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

6 **“(b) The office of Commissioner of the Bureau of Labor and Indus-**
7 **tries shall be elected at the primary election by ranked choice voting**
8 **conducted in the manner set forth in section 4 of this 2023 Act.**

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

12 **“SECTION 8. ORS 246.200 is amended to read:**

13 **“246.200. (1)(a) Except as otherwise provided by law, the county clerk is**
14 **the only elections officer who may conduct an election in this state.**

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

18 **“(2) Notwithstanding subsection (1) of this section:**

19 **“(a) The county clerk is not the only elections officer who may accept and**
20 **verify a filing for nomination or filing of a petition, prepare a voters’ pam-**
21 **phlet or ballot title, or prepare or publish an election notice; [and]**

22 **“(b) The Secretary of State may receive ballots as provided in ORS**
23 **253.585[.]; and**

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

28 **“SECTION 9. ORS 254.065 is amended to read:**

29 **“254.065. (1)(a) Except as provided in paragraph (b) of this sub-**
30 **section, when one person is to be nominated for or elected to an office, the**

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

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

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

13 **“(ii) In the manner adopted, amended or revised by a local juris-**
14 **isdiction in conformity with section 3 (4)(b) of this 2023 Act.**

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

19 **“(i) The determination of which candidates for the position of**
20 **presidential elector shall be declared elected in this state shall be made**
21 **in accordance with the provisions of the National Popular Vote inter-**
22 **state compact; and**

23 **“(ii) The ‘final determination’ of the presidential vote count re-**
24 **ported and certified to the member states of the compact and to the**
25 **federal government shall be the votes received in the final round of**
26 **statewide tabulation by each slate of candidates for the offices of**
27 **President and Vice President of the United States that received votes**
28 **in the final round of statewide tabulation.**

29 **“(c) When more than one person is to be nominated for or elected**
30 **to a single office by ranked choice voting, a determination of which**

1 **persons have received the highest number of votes shall be done in the**
2 **manner established under section 4 (3) of this 2023 Act.**

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

9 **“SECTION 10. ORS 254.145 is amended to read:**

10 “254.145. (1)(a) Except as provided in paragraph (b) of this subsection, the
11 names of candidates for nomination for or election to each office shall be
12 arranged on the ballot in the order determined under ORS 254.155.

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

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

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

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

28 “(5) The names of all candidates for the same office shall be listed in the
29 same column on the ballot. If more than one column is needed to list names
30 of all candidates for that office, the names may be arranged in one or more

1 columns in block form. The block shall be set apart by rulings under the
2 title of the office. If a blank space follows the list of candidates, the space
3 shall be in the same column as the names of candidates for that office. If
4 blocks of columns are used, blank spaces shall be included within the ruled
5 block.

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

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

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

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

27 “(10) **When a nomination for or an election to an office is deter-**
28 **mined by ranked choice voting as provided in section 4 of this 2023 Act,**
29 **the ballot shall provide the elector with the ability to rank, by choice,**
30 **write-in candidates and candidates appearing on the ballot for the of-**

1 **fi**ce. The Secretary of State by rule shall establish a statement to be
2 **printed on the ballot describing how to mark choices in an election**
3 **determined by ranked choice voting consistent with section 4 of this**
4 **2023 Act.**

5 **“SECTION 11.** ORS 254.485 is amended to read:

6 “254.485. (1) Ballots may be tallied by a vote tally system, [or] by a
7 counting board **or in the manner determined by the Secretary of State**
8 **under ORS 246.200.** A counting board may tally ballots at the precinct or
9 in the office of the county clerk. [In any event,] **Except as otherwise de-**
10 **termined by the secretary under ORS 246.200,** the ballots shall be tallied
11 and returned by precinct.

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

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

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

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

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

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

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

30 “(b) In the event of a recount, provide the paper record copy recorded by

1 the machine to the counting board.

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

5 “(8) The Secretary of State shall by rule establish a procedure for an-
6 nouncing the status of the tally of the ballots received after the date of the
7 election. Rules adopted under this subsection must:

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

10 “(b) Prioritize voter anonymity; and

11 “(c) After prioritizing voter anonymity under paragraph (b) of this sub-
12 section, prioritize the importance of timely reporting election results.

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

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

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

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

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

26 “(d) The Deputy Attorney General.

27 “(e) The Deputy Secretary of State.

28 “(f) The Legislative Administrator, the Legislative Counsel, the Legisla-
29 tive Fiscal Officer, the Legislative Policy and Research Director, the Secre-
30 tary of the Senate, the Chief Clerk of the House of Representatives and the

1 Legislative Equity Officer.

2 “(g) The president and vice presidents, or their administrative equiv-
3 alents, in each public university listed in ORS 352.002.

4 “(h) The following state officers:

5 “(A) Adjutant General.

6 “(B) Director of Agriculture.

7 “(C) Manager of State Accident Insurance Fund Corporation.

8 “(D) Water Resources Director.

9 “(E) Director of the Department of Environmental Quality.

10 “(F) Director of the Oregon Department of Administrative Services.

11 “(G) State Fish and Wildlife Director.

12 “(H) State Forester.

13 “(I) State Geologist.

14 “(J) Director of Human Services.

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

16 “(L) Director of the Department of State Lands.

17 “(M) State Librarian.

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

19 “(O) Superintendent of State Police.

20 “(P) Director of the Public Employees Retirement System.

21 “(Q) Director of Department of Revenue.

22 “(R) Director of Transportation.

23 “(S) Public Utility Commissioner.

24 “(T) Director of Veterans’ Affairs.

25 “(U) Executive director of Oregon Government Ethics Commission.

26 “(V) Director of the State Department of Energy.

27 “(W) Director and each assistant director of the Oregon State Lottery.

28 “(X) Director of the Department of Corrections.

29 “(Y) Director of the Oregon Department of Aviation.

30 “(Z) Executive director of the Oregon Criminal Justice Commission.

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

1 “(m) Members of local government boundary commissions formed under
2 ORS 199.410 to 199.519.

3 “(n) Every member of a governing body of a metropolitan service district
4 and the auditor and executive officer thereof.

5 “(o) Each member of the board of directors of the State Accident Insur-
6 ance Fund Corporation.

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

10 “(q) Every member of the following state boards, commissions and coun-
11 cils:

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

14 “(B) Oregon Business Development Commission.

15 “(C) State Board of Education.

16 “(D) Environmental Quality Commission.

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

18 “(F) State Board of Forestry.

19 “(G) Oregon Government Ethics Commission.

20 “(H) Oregon Health Policy Board.

21 “(I) Oregon Investment Council.

22 “(J) Land Conservation and Development Commission.

23 “(K) Oregon Liquor and Cannabis Commission.

24 “(L) Oregon Short Term Fund Board.

25 “(M) State Marine Board.

26 “(N) Mass transit district boards.

27 “(O) Energy Facility Siting Council.

28 “(P) Board of Commissioners of the Port of Portland.

29 “(Q) Employment Relations Board.

30 “(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 Coun-
8 cil.
9 “(Z) Columbia River Gorge Commission.
10 “(AA) Oregon Health and Science University Board of Directors.
11 “(BB) Capitol Planning Commission.
12 “(CC) Higher Education Coordinating Commission.
13 “(DD) Oregon Growth Board.
14 “(EE) Early Learning Council.
15 “(FF) The Oversight and Accountability Council.
16 “(r) The following officers of the State Treasurer:
17 “(A) Deputy State Treasurer.
18 “(B) Chief of staff for the office of the State Treasurer.
19 “(C) Director of the Investment Division.
20 “(s) Every member of the board of commissioners of a port governed by
21 ORS 777.005 to 777.725 or 777.915 to 777.953.
22 “(t) Every member of the board of directors of an authority created under
23 ORS 441.525 to 441.595.
24 “(u) Every member of a governing board of a public university listed in
25 ORS 352.002.
26 “(v) Every member of the district school board of a common school dis-
27 trict or union high school district.
28 “(w) Every member of the board of directors of an authority created under
29 ORS 465.600 to 465.621.
30 “(2) By April 15 next after the date an appointment takes effect, every

1 appointed public official on a board or commission listed in subsection (1)
2 of this section shall file with the Oregon Government Ethics Commission a
3 statement of economic interest as required under ORS 244.060, 244.070 and
4 244.090.

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

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

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

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

25 **“SECTION 13.** ORS 249.088 is amended to read:

26 “249.088. (1) Except as provided in ORS 249.091, at the nominating
27 election held on the date of the primary election:

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

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

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

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

8 “SECTION 14. ORS 249.091 is amended to read:

9 “249.091. (1) If a nominating petition or declaration of candidacy is filed
10 by no more than two candidates for the office of sheriff, county treasurer
11 or county clerk or by no more than two candidates to fill a vacancy in a
12 nonpartisan office:

13 “(a) The candidate or candidates are nominated; and

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

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

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

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

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

25 “(4) **This section does not apply to any election for the office of
26 sheriff, county treasurer or county clerk, or to fill a vacancy in non-
27 partisan office, for which ranked choice voting as conducted in the
28 manner set forth in section 4 of this 2023 Act is used to determine
29 election to the office.**

30 “SECTION 15. ORS 258.280 is amended to read:

1 “258.280. (1)(a) **Except as provided in paragraph (b) of this sub-**
2 **section,** the Secretary of State shall order a full recount of the votes cast
3 for nomination or election to a public office for which the Secretary of State
4 is the filing officer, and the county clerk who conducted the election shall
5 order a full recount of the votes cast for nomination or election to any other
6 public office if the canvass of votes of the election reveals that:

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

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

13 **“(b) The Secretary of State by rule shall establish when a full re-**
14 **count of the votes cast for nomination or election to a public office is**
15 **required for an election in which ranked choice voting is conducted in**
16 **the manner set forth in section 4 of this 2023 Act and the secretary is**
17 **the filing officer. Any rules adopted under this paragraph shall, to the**
18 **extent practicable, comply with the requirements set forth in para-**
19 **graph (a) of this subsection.**

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

29 “(b) This subsection does not apply to the office of sheriff, the office of
30 county clerk, the office of county treasurer or a candidate to fill a vacancy,

1 as described in ORS 249.091.

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

5 **“SECTION 16. (1) The Secretary of State, in consultation with the
6 county clerks, shall analyze the election laws of this state to deter-
7 mine whether existing laws are inconsistent with the effective and ef-
8 ficient implementation of ranked choice voting elections.**

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

13 **“(a) Setting forth the results of the analysis conducted under sub-
14 section (1) of this section; and**

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

20 **“(A) Staff training;**

21 **“(B) Purchasing or updating new equipment;**

22 **“(C) Voter education;**

23 **“(D) Purchasing or updating new software; and**

24 **“(E) Hiring additional staff.**

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

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

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

30 **“SECTION 17. Section 16 of this 2023 Act is repealed on January 2,**

1 2027.

2 **“SECTION 18. (1) Sections 2 to 5 and 7 of this 2023 Act and the**
3 **amendments to ORS 244.050, 246.200, 249.088, 249.091, 254.065, 254.145,**
4 **254.485 and 258.280 by sections 8 to 15 of this 2023 Act become operative**
5 **on December 10, 2026.**

6 **“(2) The Secretary of State and county clerks may take any action**
7 **before the operative date specified in subsection (1) of this section that**
8 **is necessary to enable the secretary and county clerks to exercise, on**
9 **and after the operative date specified in subsection (1) of this section,**
10 **all the duties, functions and powers conferred on the secretary and**
11 **county clerks by sections 2 to 5 and 7 of this 2023 Act and the**
12 **amendments to ORS 244.050, 246.200, 249.088, 249.091, 254.065, 254.145,**
13 **254.485 and 258.280 by sections 8 to 15 of this 2023 Act.**

14 **“SECTION 19. Sections 2 to 5 and 7 of this 2023 Act and the**
15 **amendments to ORS 244.050, 246.200, 249.088, 249.091, 254.065, 254.145,**
16 **254.485 and 258.280 by sections 8 to 15 of this 2023 Act apply to elections**
17 **and nominations occurring on or after December 10, 2026.**

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

21
