

Requested by Representative RAYFIELD

**PROPOSED AMENDMENTS TO
HOUSE BILL 2004**

1 On page 1 of the printed bill, delete lines 5 through 28.

2 Delete pages 2 through 9 and insert:

3 **“SECTION 1. Sections 2, 3, 6 and 7 of this 2023 Act are added to and**
4 **made a part of ORS chapter 254.**

5 **“SECTION 2. (1) Ranked choice voting as conducted in the manner**
6 **set forth in section 6 of this 2023 Act shall be used to determine the**
7 **nomination by a major political party for the following offices:**

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

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

10 **“(c) Governor, Secretary of State, State Treasurer and Attorney**
11 **General.**

12 **“(2) Ranked choice voting as conducted in the manner set forth in**
13 **section 6 of this 2023 Act shall be used at the general election to de-**
14 **termine election to for the following offices:**

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

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

17 **“(c) Governor, Secretary of State, State Treasurer and Attorney**
18 **General.**

19 **“(d) Commissioner of the Bureau of Labor and Industries.**

20 **“(e) Judge of the Supreme Court, Court of Appeals, circuit court**
21 **and Oregon Tax Court.**

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

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

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

6 **“(c) A metropolitan service district organized under ORS chapter**
7 **268 may use ranked choice voting to determine election to office of a**
8 **metropolitan service district.**

9 **“(d) A school district as defined in ORS 330.005 may use ranked**
10 **choice voting to determine election to office or offices of the school**
11 **district.**

12 **“(e) Any local government or local service district as defined in**
13 **ORS 174.116 may use ranked choice voting to determine election to**
14 **office or offices of the local government or local service district.**

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

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

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

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

24 **“(d) For any partisan office of a school district as defined in ORS**
25 **330.005, the school district may use ranked choice voting to determine**
26 **the nomination for that office.**

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

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

3 **“(4)(a) This section may not be construed to limit or otherwise re-**
4 **strict the authority of any home rule jurisdiction to provide for ranked**
5 **choice voting conducted in the manner set forth in section 6 of this**
6 **2023 Act to determine nomination for or election to any office in that**
7 **jurisdiction.**

8 **“(b) This section may not be construed to limit or otherwise restrict**
9 **the authority of any home rule jurisdiction that, on or after November**
10 **8, 2016, and prior to the effective date of this 2023 Act, adopted ranked**
11 **choice voting to determine elections to office or offices of that juris-**
12 **diction, to continue to apply ranked choice voting in the manner**
13 **adopted by the jurisdiction.**

14 **“(5) The Secretary of State, in consultation with county clerks and**
15 **elections officers as defined in ORS 255.005, shall:**

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

17 **“(b) Provide formal and informal guidance to cities, counties, met-**
18 **ropolitan service districts organized under ORS chapter 268, school**
19 **districts as defined in ORS 330.005 and local governments and local**
20 **service districts as defined in ORS 174.116 regarding the implementa-**
21 **tion of this section.**

22 **“SECTION 4. The Secretary of State shall analyze the election laws**
23 **of this state to determine whether existing laws are inconsistent with**
24 **the effective and efficient implementation of ranked choice voting**
25 **elections. The secretary shall submit a report in the manner provided**
26 **by ORS 192.245, and may include recommendations for legislation, to**
27 **the interim committees of the Legislative Assembly related to**
28 **elections no later than September 15, 2024.**

29 **“SECTION 5. Section 4 of this 2023 Act is repealed on January 2,**
30 **2025.**

1 **“SECTION 6. (1) When a nomination for or an election to an office**
2 **is determined by ranked choice voting, the winner of the nomination**
3 **or election shall be determined in the manner set forth in this section.**

4 **“(2)(a) For each election in which no more than one person is to**
5 **be elected to a single office, the ballot shall provide the elector with**
6 **the option to rank up to five candidates for the nomination for or**
7 **election to the office in order of choice.**

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

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

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

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

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

19 **“(iii) Ballots are retallied and a new round of vote tallying begins**
20 **in the manner described in this subparagraph.**

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

28 **“(a) Receiving more votes than a threshold determined by dividing**
29 **the number of votes cast by the sum of the number of people to be**
30 **elected plus one; or**

1 **“(b) If only one seat remains to be filled, by having the most votes**
2 **when two or fewer candidates remain.**

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

7 **“(5) The Secretary of State, in consultation with county clerks and**
8 **elections officers as defined in ORS 255.005, shall adopt rules necessary**
9 **for the implementation of this section including, but not limited to,**
10 **the tally processes for ranked choice voting. Prior to adopting rules**
11 **relating to the nomination of candidates for President of the United**
12 **States, the secretary shall also consult with, and receive input from,**
13 **the Oregon chairperson from each major political party.**

14 **“(6) As used in this section:**

15 **“(a) ‘Active candidate’ means a candidate who has not:**

16 **“(A) Withdrawn;**

17 **“(B) Been defeated; or**

18 **“(C) Been nominated or elected.**

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

22 **“(c) ‘Ranking’ means the number available to be assigned by an**
23 **elector to express the elector’s choice for that candidate, with the**
24 **number 1 being the highest ranking, followed by the numbers 2, 3, 4**
25 **and 5.**

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

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

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

3 **“(C) Established pursuant to subsection (4) of this section for the**
4 **presidential primary election of a major political party.**

5 **“SECTION 7. (1) The Secretary of State shall by rule establish a**
6 **program to educate electors about how ranked choice voting will be**
7 **conducted in elections held in this state.**

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

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

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

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

14 **“SECTION 8. Section 9 of this 2023 Act is added to and made a part**
15 **of ORS chapter 249.**

16 **“SECTION 9. (1) Notwithstanding ORS 249.016 or any other pro-**
17 **vision of law:**

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

20 **“(B) The office of Commissioner of the Bureau of Labor and In-**
21 **dustries shall be elected at the general election by ranked choice vot-**
22 **ing conducted in the manner set forth in section 6 of this 2023 Act.**

23 **“(b)(A) There may not be a nominating election for the offices of**
24 **judge of the Supreme Court, Court of Appeals, circuit court or Oregon**
25 **Tax Court; and**

26 **“(B) The offices of judge of the Supreme Court, Court of Appeals,**
27 **circuit court and Oregon Tax Court shall be elected at the general**
28 **election by ranked choice voting conducted in the manner set forth in**
29 **section 6 of this 2023 Act.**

30 **“(2) Notwithstanding ORS 249.037, a nominating petition or decla-**

1 **ration of candidacy for a candidate for the office of Commissioner of**
2 **the Bureau of Labor and Industries and the offices of judge of the**
3 **Supreme Court, Court of Appeals, circuit court and Oregon Tax Court**
4 **shall be filed not sooner than the 250th day and not later than the 70th**
5 **day before the date of the general election.**

6 **“(3) Except as otherwise expressly provided by law or this section,**
7 **the requirements of ORS 249.016 to 249.205 apply to candidates for the**
8 **office of Commissioner of the Bureau of Labor and Industries and to**
9 **the offices of judge of the Supreme Court, Court of Appeals, circuit**
10 **court and Oregon Tax Court.**

11 **“SECTION 10. ORS 254.065 is amended to read:**

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

21 **“(b)(A) Except as otherwise provided in this paragraph, when a**
22 **nomination for or election to an office is determined by ranked choice**
23 **voting, a determination of which person has received the highest**
24 **number of votes shall be done in the manner set forth in section 6 of**
25 **this 2023 Act.**

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

30 **“(i) The determination of which candidates for the position of**

1 **presidential elector shall be declared elected in this state shall be made**
2 **in accordance with the provisions of the National Popular Vote inter-**
3 **state compact; and**

4 **“(ii) The ‘final determination’ of the presidential vote count re-**
5 **ported and certified to the member states of the compact and to the**
6 **federal government shall be the votes received in the final round of**
7 **statewide tabulation by each slate of candidates for the offices of**
8 **President and Vice President of the United States that received votes**
9 **in the final round of statewide tabulation.**

10 **“(c) When more than one person is to be nominated for or elected**
11 **to a single office by ranked choice voting, a determination of which**
12 **persons have received the highest number of votes shall be done in the**
13 **manner established under section 6 (3) of this 2023 Act.**

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

20 **“SECTION 11. ORS 254.145 is amended to read:**

21 **“254.145. (1)(a) Except as provided in paragraph (b) of this subsection, the**
22 **names of candidates for nomination for or election to each office shall be**
23 **arranged on the ballot in the order determined under ORS 254.155.**

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

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

29 **“(3) Spaces shall be provided for any offices appearing on the ballot in**
30 **which the elector may write the name of any person not printed on the bal-**

1 lot. If a voting machine is used, spaces shall be provided on the ballot, or
2 on separate material delivered to the elector with the ballot, in which the
3 elector may write or enter the names of persons for any offices appearing
4 on the ballot.

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

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

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

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

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

29 “(9) **When an elector is allowed to make only one choice or answer**
30 **and** if a voting machine is not used, the elector shall indicate a preference

1 by making a cross or check mark inside a voting square corresponding to the
2 candidate or answer for which the elector wishes to vote. A voting square
3 may be printed on the blank, write-in vote spaces. However, the elector is
4 not required to place a mark in the voting square corresponding to a name
5 written in a blank space. Words shall be printed on the ballot to aid the
6 elector, such as 'Vote for one,' 'Vote for three,' and regarding measures,
7 'Yes' and 'No.'

8 **“(10) When a nomination for or an election to an office is deter-**
9 **mined by ranked choice voting as provided in section 6 of this 2023 Act,**
10 **the ballot shall provide the elector with the ability to rank candidates**
11 **appearing on the ballot for the office by choice. The Secretary of State**
12 **by rule shall establish a statement to be printed on the ballot de-**
13 **scribing how to mark choices in a ranked choice election consistent**
14 **with section 6 of this 2023 Act.**

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

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

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

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

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

28 “(d) The Deputy Attorney General.

29 “(e) The Deputy Secretary of State.

30 “(f) The Legislative Administrator, the Legislative Counsel, the Legisla-

1 tive Fiscal Officer, the Legislative Policy and Research Director, the Secre-
2 tary of the Senate, the Chief Clerk of the House of Representatives and the
3 Legislative Equity Officer.

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

6 “(h) The following state officers:

7 “(A) Adjutant General.

8 “(B) Director of Agriculture.

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

10 “(D) Water Resources Director.

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

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

13 “(G) State Fish and Wildlife Director.

14 “(H) State Forester.

15 “(I) State Geologist.

16 “(J) Director of Human Services.

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

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

19 “(M) State Librarian.

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

21 “(O) Superintendent of State Police.

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

23 “(Q) Director of Department of Revenue.

24 “(R) Director of Transportation.

25 “(S) Public Utility Commissioner.

26 “(T) Director of Veterans’ Affairs.

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

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

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

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

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

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

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

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

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

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

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

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

16 “(B) Oregon Business Development Commission.

17 “(C) State Board of Education.

18 “(D) Environmental Quality Commission.

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

20 “(F) State Board of Forestry.

21 “(G) Oregon Government Ethics Commission.

22 “(H) Oregon Health Policy Board.

23 “(I) Oregon Investment Council.

24 “(J) Land Conservation and Development Commission.

25 “(K) Oregon Liquor and Cannabis Commission.

26 “(L) Oregon Short Term Fund Board.

27 “(M) State Marine Board.

28 “(N) Mass transit district boards.

29 “(O) Energy Facility Siting Council.

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

1 “(Q) Employment Relations Board.
2 “(R) Public Employees Retirement Board.
3 “(S) Oregon Racing Commission.
4 “(T) Oregon Transportation Commission.
5 “(U) Water Resources Commission.
6 “(V) Workers’ Compensation Board.
7 “(W) Oregon Facilities Authority.
8 “(X) Oregon State Lottery Commission.
9 “(Y) Pacific Northwest Electric Power and Conservation Planning Coun-
10 cil.
11 “(Z) Columbia River Gorge Commission.
12 “(AA) Oregon Health and Science University Board of Directors.
13 “(BB) Capitol Planning Commission.
14 “(CC) Higher Education Coordinating Commission.
15 “(DD) Oregon Growth Board.
16 “(EE) Early Learning Council.
17 “(FF) The Oversight and Accountability Council.
18 “(r) The following officers of the State Treasurer:
19 “(A) Deputy State Treasurer.
20 “(B) Chief of staff for the office of the State Treasurer.
21 “(C) Director of the Investment Division.
22 “(s) Every member of the board of commissioners of a port governed by
23 ORS 777.005 to 777.725 or 777.915 to 777.953.
24 “(t) Every member of the board of directors of an authority created under
25 ORS 441.525 to 441.595.
26 “(u) Every member of a governing board of a public university listed in
27 ORS 352.002.
28 “(v) Every member of the district school board of a common school dis-
29 trict or union high school district.
30 “(w) Every member of the board of directors of an authority created under

1 ORS 465.600 to 465.621.

2 “(2) By April 15 next after the date an appointment takes effect, every
3 appointed public official on a board or commission listed in subsection (1)
4 of this section shall file with the Oregon Government Ethics Commission a
5 statement of economic interest as required under ORS 244.060, 244.070 and
6 244.090.

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

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

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

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

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

28 “249.088. (1) Except as provided in ORS 249.091, at the nominating
29 election held on the date of the primary election:

30 “(a) Unless a candidate for nonpartisan office receives a majority of the

1 votes cast for the office, the two candidates who receive the highest number
2 of votes are nominated.

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

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

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

10 **“SECTION 14.** ORS 249.091 is amended to read:

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

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

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

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

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

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

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

27 **“(4) This section does not apply to any election for the office of**
28 **sheriff, county treasurer or county clerk, or to fill a vacancy in non-**
29 **partisan office, for which ranked choice voting as conducted in the**
30 **manner set forth in section 6 of this 2023 Act is used to determine**

1 election to the office.

2 **“SECTION 15. (1) Sections 2, 3, 6, 7 and 9 of this 2023 Act and the**
3 **amendments to ORS 244.050, 249.088, 249.091, 254.065 and 254.145 by**
4 **sections 10 to 14 of this 2023 Act become operative, and apply to**
5 **elections and nominations occurring on or after, January 1, 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 of State and county clerks to ex-**
9 **ercise, on and after the operative date specified in subsection (1) of**
10 **this section, all the duties, functions and powers conferred on the**
11 **Secretary of State and county clerks by sections 2, 3, 6, 7 and 9 of this**
12 **2023 Act and the amendments to ORS 244.050, 249.088, 249.091, 254.065**
13 **and 254.145 by sections 10 to 14 of this 2023 Act.”.**

14
