

House Bill 4032

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Rules for Representative Anna Scharf)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act takes away the demand for certain judge candidates' names to be marked as "incumbent" on a ballot. (Flesch Readability Score: 62.8).

Removes the requirement that the word "incumbent" appear on a ballot along with the name of incumbent candidates for specified judgeships.

A BILL FOR AN ACT

1 Relating to ballot contents; amending ORS 254.085, 254.125 and 254.135.

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

3 **SECTION 1.** ORS 254.085 is amended to read:

4 254.085. (1) The Secretary of State, not later than the 61st day before the date of a primary or
5 general election, shall file with each county clerk a statement of the federal and state offices to be
6 filled or for which candidates are to be nominated in the county at the election, information con-
7 cerning all candidates for the offices, and the state measures to be voted on.
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9 *[(2) The information concerning candidates for the Supreme Court, Court of Appeals, Oregon Tax
10 Court and circuit court shall include a designation of incumbent for each candidate who is the regu-
11 larly elected or appointed judge of the court to which the candidate seeks election. If a candidate was
12 regularly elected or appointed to a specific position or department on the court, the candidate shall be
13 designated as the incumbent only if the person is a candidate for that position or department.]*

14 *[(3)]* **(2)** Included with each state measure shall be the measure number, the latest ballot title
15 certified by the Attorney General under ORS 250.067 (2) or, if the Supreme Court has reviewed the
16 title under ORS 250.085, the title certified by the court and the financial estimates under ORS
17 250.125. The Secretary of State shall keep a copy of the statement.

18 **SECTION 2.** ORS 254.125 is amended to read:

19 254.125. (1) The names of candidates for a nonpartisan office at a nominating election held on
20 the date of the primary election shall be listed without political party designation on a nominating
21 ballot under the title, and department or position number if any, of the office.

22 (2) At the primary election or general election[:]

23 *[(a) The],* **the** names of candidates who are opposed for nomination or election to the Supreme
24 Court, Court of Appeals, Oregon Tax Court and circuit court shall be printed on the ballot before
25 the names of candidates for those offices who are unopposed[; *and*]

26 *[(b) The word "incumbent" shall follow the name of each candidate for the Supreme Court, Court
27 of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the Secretary of
28 State under ORS 254.085].*

29 **SECTION 3.** ORS 254.135 is amended to read:

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.

1 254.135. (1) The official general or special election ballot shall be styled "Official Ballot" and
2 shall state:

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

4 (b) The date of the election.

5 (c) The names of all candidates for offices to be filled at the election whose nominations have
6 been made and accepted and who have not died, withdrawn or become disqualified. The ballot may
7 not contain the name of any other person.

8 (d) The number, ballot title and financial estimates under ORS 250.125 of any measure to be
9 voted on at the election.

10 (2) The names of candidates for President and Vice President of the United States shall be
11 printed in groups together, with their political party designations. The names of the electors may
12 not be printed on the general election ballot. A vote for the candidates for President and Vice
13 President is a vote for the group of presidential electors supporting those candidates and selected
14 as provided by law. The general election ballot shall state that electors of President and Vice
15 President are being elected and that a vote for the candidates for President and Vice President shall
16 be a vote for the electors supporting those candidates.

17 (3)(a) The name of each candidate nominated shall be printed on the ballot in but one place,
18 without regard to how many times the candidate may have been nominated, except in circumstances
19 where a candidate may hold more than one office or nomination without violating ORS 249.013. The
20 name of a political party, or names of political parties, shall be printed with the name of a candidate
21 for other than nonpartisan office according to the following rules:

22 (A) For a candidate not affiliated with a political party who is nominated by a minor political
23 party, the name of the minor political party shall be printed with the name of the candidate;

24 (B) For a candidate not affiliated with a political party who is nominated by more than one
25 minor political party, the names of not more than three minor political parties selected by the can-
26 didate shall be printed with the name of the candidate;

27 (C) For a candidate who is a member of a political party who is nominated by a political party
28 of which the candidate is not a member, the name of the political party that nominated the candi-
29 date shall be printed with the name of the candidate;

30 (D) For a candidate who is a member of a political party who is nominated by more than one
31 political party of which the candidate is not a member, the names of not more than three political
32 parties selected by the candidate shall be printed with the name of the candidate;

33 (E) For a candidate who is nominated only by a political party of which the candidate is a
34 member, the name of the political party of which the candidate is a member shall be printed with
35 the name of the candidate; and

36 (F) For a candidate who is nominated by a political party of which the candidate is a member
37 and by any political party or parties of which the candidate is not a member, the name of the poli-
38 tical party of which the candidate is a member and the names of not more than two other political
39 parties selected by the candidate shall be printed with the name of the candidate.

40 (b) If a candidate is required to select the name of a political party to be printed on the ballot
41 under paragraph (a) of this subsection, the candidate shall notify the filing officer of the selection
42 not later than the 61st day before the day of the election.

43 *[(c) The word "incumbent" shall be printed with the name of each candidate for the Supreme Court,*
44 *Court of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the Secretary*
45 *of State under ORS 254.085.]*

1 [(d)] (c) The word “nonaffiliated” shall be printed with the name of each candidate who is not
2 affiliated with a political party and who is nominated by an assembly of electors or individual
3 electors.

4 [(e)] (d) If two or more candidates for the same office have the same or similar surnames, the
5 location of their places of residence shall be printed with their names to distinguish one from an-
6 other.

7 (4) Notwithstanding subsection (3)(a) of this section, the name of a candidate nominated for more
8 than one district office that is to be filled at the same election shall be separately printed upon the
9 ballot for each district office for which the candidate is nominated.

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