

## HB 3166 -2 STAFF MEASURE SUMMARY

### House Committee On Rules

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**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 3/19

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#### WHAT THE MEASURE DOES:

The measure provides that all electors have the opportunity to vote in the primary election for voter choice offices and it requires all candidates for partisan and nonpartisan offices, regardless of political party affiliation or nonaffiliation, to appear on the same unified primary election ballot. The five candidates receiving the most votes advance to the general election, which after January 1, 2028, must be conducted by a method, established in rule by the Secretary of State, that enables voters to assign multiple rankings or ratings to candidates for each office with the winner determined by automatic runoff calculations. Candidates for President and Vice President of the United States are exempt. The measure also moves the presidential primary election to the second Tuesday in March and the primary for all other offices to the first Tuesday in August. The measure establishes processes for political parties to endorse candidates and for how party endorsements change nominations for filling vacancies in state legislative offices. Most provisions become operative on and apply only to appointments and elections occurring after March 1, 2027.

#### Detailed Summary

##### **Sections 3 and 36.**

Adds definition of voter choice office to elections statutes. Defines as:

- the office of United States Senator, Representative in Congress, Governor, Secretary of State, State Treasurer, Attorney General, state Senator, state Representative, and other partisan state, county, city, or district offices;
- the Commissioner of the Bureau of Labor and Industries; and
- any other state, county, city, regional, or district office as designated by a governing body.

##### **Section 4**

Provides that all electors have the opportunity to vote in the primary election for voter choice offices. Requires that all candidates for nomination to a public office must appear on the same primary ballot with the five candidates receiving the most votes being nominated to the general election, as long as a candidate receives at least one-half of one percent of the total number of votes cast. Makes provisions subject to home rule charter provision and exempts candidates for United States President or Vice President.

##### **Section 5**

Establishes the process for replacing a candidate on the general election ballot when a vacancy occurs in a nomination for a voter choice office. Requires an office to remain a voter choice office if a county government redesignates it from partisan to nonpartisan, unless the county redesignates it otherwise.

##### **Section 6**

Makes the filing deadline for a nominating petition or declaration of candidacy for an additional term of the same public office or for filing a withdrawal of the petition or declaration, seven days prior to the corresponding filing deadlines for nonincumbent candidates for that office. Removes precinct committeeperson (PCP) from the statutory prohibition for a person to be a candidate for more than one office to be filled at the same election.

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*This summary has not been adopted or officially endorsed by action of the committee.*

**Sections 7, 8, 9, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 47, 48, 49, 53, 64, 65, 67, 68, 69, 70, 71, 72, 73, 74, and 75**

Makes conforming language changes related to the open primary and voter choice office provisions of the measure, including a separate partisan primary for US President and Vice President, eliminating the election for PCPs, or for statutes deleted in sections 29, 54, or 61.

**Section 10**

Requires a nominating petition or declaration of candidacy for a voter choice office to contain the names of political parties that have officially issued endorsements that the candidate has accepted. Removes provisions specific to the contents of a petition or declaration for a PCP.

**Section 15**

Adds voter choice office to the existing nominating petition signature requirements for nonpartisan office.

**Section 29**

Deletes statutes related on unsuccessful candidates, partisan petitions, nonpartisan nominations or election, nomination for nonpartisan vacancies, filling major party nomination vacancies, nominations by major parties, and nominations by individual elector to conform with the open primary and voter choice election provisions.

**Section 38**

Allows the county clerk to print on the primary election ballot the name of the candidate then “Endorsed by” followed by the names of up to three political parties that have officially endorsed the candidate, in the order specified by the candidate. Requires the county clerk to receive notice of endorsements at least 45 days before the primary election and to only print endorsements that have been accepted by the candidate. Requires a notice on each page of the primary election ballot for voter choice offices that political party name next to a candidate’s name means the candidate is acceptable to the party and its membership but it is not an endorsement.

Requires the county clerk to print on the general election ballot the name of the candidate then “Endorsed by” followed by the names of up to three political parties that have officially endorsed the candidate, in the order specified by the candidate. Requires the county clerk to receive notice of endorsements at least 55 days before the general election and to only print endorsements that have been accepted by the candidate.

Requires a political party, including both major and minor parties, to adopt rules governing the endorsement of voter choice office candidates. Specifies that the rules must be adopted at least 180 days prior to any election to which the rules would apply and be filed with the Secretary of State. Allows a political party to endorse multiple candidates for the same office.

**Section 39**

Makes all provisions of state law that apply to nonpartisan elections apply to voter choice offices, unless otherwise specified in the measure.

**Section 40-41**

Establishes that all general elections of voter choice offices after January 1, 2028, must be conducted by a method, established in rule by the Secretary of State, that enables each voter to assign multiple rankings or rating to candidates for each office with the winner determined by automatic runoff calculations that do not require an additional election.

**Section 42**

Sets the date for the primary election of US President and Vice President as the second Tuesday in March of each year in which a President is elected and allows the SOS to adopt a different date under specified conditions. Changes the date for all other primaries to the first Tuesday in August of each even-numbered year.

**Section 43**

Revises the requirements for the register of candidates for nomination that is kept by the chief elections officer to include the names of the political parties that have officially issued endorsements that the candidate has accepted.

**Section 44**

Makes conforming changes to the primary election ballot and specifies requirements for the official presidential primary election ballot.

**Section 45**

Removes rules for the general or special election ballot for printing the names of political parties with the name of the candidate, and requires the candidates' occupation to be listed if two or more candidates for the same office have the same or similar surnames.

**Section 46**

Conforms the language of the statute on voting at primary elections by major party members and nonaffiliated electors apply only to the presidential primary election. Revises political party rule requirements for allowing an elector not affiliated with that party to vote in the party's presidential primary election.

**Section 50**

Revises the statute on a special election in the case of the death of a nominee for state office within 46 days of the general election to include provisions for continuing to hold the election and counting ballots when the deceased candidate is not the only nominee for the office.

**Section 51**

Repeals statutes on the construction of statutes applicable to primary elections and for the county clerk to keep records on nonaffiliated electors and electors from each party who voted in the primary.

**Section 52**

Changes the minor political party qualifications in statute to conform to the measure's open primary candidate endorsement provisions and details how a minor political party receives credit under the endorsement provisions and any method used in a primary or general election that allows electors to rank or rate multiple candidates for an office.

**Section 54**

Deletes statutes on PCPs, county central committee, and state central committee in Chapter 248.

**Sections 55-57**

Modifies the provisions for filling state legislative vacancies. Establishes that each party that endorsed the departing legislator as a candidate in the primary or general election receives a notification and may nominate candidates to fill the vacancy.

**Sections 58 and 62**

Modifies the provisions for filling a vacancy in election or office of U.S. Representative or Senator. Provides that any eligible person may submit a declaration of candidacy or nominating petition and that any special election and special primary election called to fill the vacancy must be conducted as a voter choice election.

**Section 60**

Clarifies that for vacancies in any voter choice office to be filled by appointment, including state representative, state senator, and county judge or commissioner, any eligible person may be appointed regardless of the person's affiliation or lack thereof with a political party.

**Section 61**

Deletes statutory provision on the political affiliation of a person appointed to fill a vacancy in partisan elective office.

**Section 63**

Removes requirement to print statement of duties for PCP in voters' pamphlet for primary elections and adds requirement for including political party official endorsements.

**Section 66**

Changes the special election date in August from the fourth to the first Tuesday.

**Section 76**

Provides that the measure may not be interpreted to limit any existing authority of cities or counties with home rule charters to specify election procedures for their offices.

**Section 77**

Makes provisions operative on March 1, 2027, and applicable to appointments and elections on or after this date and to vacancies occurring during a term of office that the person was elected to on or after this date.

*Fiscal impact: May have fiscal impact, but no statement yet issued*

*Revenue impact: May have revenue impact, but no statement yet issued*

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

-2 The amendment changes the number of candidates for a voter choice office being nominated to the general election from five to two and makes conforming changes to recognize the differences between public office and voter choice office. It removes the requirement for all general elections of voter choice offices to be conducted by methods that rank or rate candidates and restores the third Tuesday in May of each even-numbered year as the date for the primary election.

Detailed Summary

Requires that all candidates for nomination to a voter choice office must appear on the same primary ballot with the two candidates receiving the most votes being nominated to the general election. Makes provisions only subject to home rule charter provisions.

Removes requirement that all general elections for voter choice office be conducted by a method that enables voters to rank or rate candidates.

## HB 3166 -2 STAFF MEASURE SUMMARY

Deletes from measure and keeps current statutory language for:

- ORS 249.016 (Section. 7, nomination of candidates by major parties).
- ORS 249.705, 249.712, 249.720, 249.722, 249.735, 249.737, and 249.810 (Sections 19-25, nomination of candidates to partisan office by other than major party).
- ORS 249.842 and 249.850 (Sections 27-28, filling vacancy in nomination).
- ORS 249.088, 249.091, and 249.740 (Section 29, nomination to nonpartisan office and certificates of nomination made by individual electors).
- ORS 3.030, 8.610, 51.230, 202.100, and 204.005 (Sections 30-34, election of circuit court judge, district attorney, justices of the peace, county judge and commissioners for new county, and election or appointment of county officers).
- ORS 254.056 (Section 42, establishing dates for primary elections).
- ORS 255.345, 258.280 (Sections 66-67, special election dates and when recounts required in certain elections of candidates for office).
- ORS 250.042 (Section 75, effect of failure of petition circulator to certify signature sheet).

Adds new Section 27 to continue the repeal ORS 249.048, 249.068, 249.190, and 249.200, which had been repealed in Section 29, and relate to unsuccessful candidates, partisan petitions, filling major party nomination vacancies, and nominations by major parties.

Makes other changes to sections of the measure as listed below.

### **Section 38**

Changes the meaning of the name of a political party next to a candidate name on the ballot to mean the party has officially endorsed the candidate.

### **Section 39**

Clarifies that except in ORS Chapters 249 and 254, which are the statutory sections on candidates and recalls and the conduct of elections, all provisions of state law that apply to elections and ballots for nonpartisan offices also apply to voter choice offices.

### **Section 51a**

Amends ORS 254.370, instead of repealing it, to retain the requirements for records the county clerks keep on the number of electors from each party who vote in a primary, including presidential primary election, and who vote in the general election.

### **Section 52**

Removes provisions giving credit for votes to minor parties through primary and general election methods that allow the rating or ranking of candidates.

### **Section 61**

Adds repeal of ORS 249.042, which was repealed in Section 12, and repeals ORS 249.046, which was Section 72, and relates to party membership requirements for nomination of party.

### **Section 69**

Removes requirement for the Secretary of State to determine monthly whether at least five percent of the number of eligible electors are registered as members of a party when the political party does not meet the registration requirements for the first time.

**Section 77**

Updates sections in the operative date provision to reflect amendment changes.

**BACKGROUND:**

There are two types of public offices in Oregon, partisan, and nonpartisan. Any person can run for a partisan or nonpartisan office if they meet the requirements of the office and are registered to vote.

Candidates for partisan office may run as the nominee of a major or minor political party or as nonaffiliated candidates. Major party candidates must win the primary election in order to then run in the general election. Minor party and nonaffiliated candidates qualify for the ballot without running in the primary election; they first run for office at the general election. Partisan offices include United States (US) President, US Senator, US Representative, Governor, Secretary of State, State Treasurer, Attorney General, State Senator, and State Representative.

Candidates for nonpartisan office do not run as the nominee of a political party. All candidates for nonpartisan office must run in the primary election and the office may be won at this election. Nonpartisan offices include Commissioner of the Bureau of Labor and Industries, judge (Supreme Court, Court of Appeals, Tax Court, and Circuit Court), and District Attorney.

Candidates may be nominated by multiple political parties. Candidates nominated by more than one party or by other nominating processes may select up to three parties or designations to be printed with their name on the general election ballot.

Major political parties nominate candidates for partisan office at the primary election. Candidates may file for office by submitting a declaration of candidacy and paying the filing fee or by submitting a completed nominating petition containing the required number of signatures.

A minor political party may nominate candidates for any partisan office within the electoral district in which the party is established for the general election immediately following formation. To nominate candidates, a minor political party may hold a nominating convention either under state law or under party by-laws. The nominating process must provide equal opportunity for all registered party members to participate in selecting nominees or selecting the delegates who will make the nominations.