

# Senate Bill 766

Sponsored by Senator BOQUIST

## 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**.

Permits minor political parties to choose to nominate candidates as part of state-sponsored primary election.

## A BILL FOR AN ACT

1  
2 Relating to nominating procedures for minor political parties; creating new provisions; and amending  
3 ORS 248.015, 249.016, 249.020, 249.023, 249.031, 249.068, 249.076, 249.190, 249.200, 254.025, 254.056,  
4 254.076, 254.365, 254.370, 254.470, 254.500, 254.555, 254.565 and 254.575.

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

6 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 248.**

7 **SECTION 2. (1) Not later than the 90th day before the date of the primary election, a**  
8 **minor political party may file with the Secretary of State a certified copy of the current**  
9 **party rule indicating that the minor political party will nominate candidates of the minor**  
10 **political party, for other than political party office, at the primary election. The rule shall**  
11 **also state any requirements a write-in candidate must meet in order to obtain the nomi-**  
12 **nation of the minor political party.**

13 **(2) A minor political party that files a party rule with the Secretary of State under sub-**  
14 **section (1) of this section shall:**

15 **(a) Have a designated officer of the party sign the nominating petition or declaration of**  
16 **candidacy of each candidate who qualifies under party rules to seek the nomination of the**  
17 **minor political party; and**

18 **(b) Except as provided in subsection (3) of this section, have the candidates for nomi-**  
19 **nation by the minor political party appear on the official primary ballot.**

20 **(3) The official primary ballot of a minor political party that files a party rule with the**  
21 **Secretary of State under subsection (1) of this section shall include only those contests in**  
22 **which at least one qualified candidate has filed a valid nominating petition or declaration of**  
23 **candidacy.**

24 **(4) A candidate for nomination of a minor political party who is also a candidate for**  
25 **nomination of a major political party may not appear on the general election ballot as a**  
26 **candidate for the minor political party if the candidate fails to receive the nomination of the**  
27 **major political party.**

28 **(5) The state shall pay the costs of conducting the primary election for the nomination**  
29 **of candidates by a minor political party that files a party rule with the Secretary of State**  
30 **under subsection (1) of this section.**

31 **(6) A minor political party that does not file a party rule with the Secretary of State**

**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 **under subsection (1) of this section shall nominate candidates of the minor political party,**  
 2 **for other than political party office, in the manner set forth in ORS 248.009 and 249.712 to**  
 3 **249.850.**

4 **SECTION 3.** ORS 249.016 is amended to read:

5 249.016. (1) A candidate of a major political party for public office or a candidate for nonparti-  
 6 san office shall be nominated only in the manner provided in ORS 249.016 to 249.205.

7 **(2)(a) Except as provided in paragraph (b) of this subsection, a candidate for public office**  
 8 **of a minor political party that elected to follow the nominating procedure set forth in section**  
 9 **2 of this 2019 Act shall be nominated only in the manner provided in ORS 249.016 to 249.205.**

10 **(b) ORS 249.042 does not apply to a candidate for public office of a minor political party**  
 11 **that elected to follow the nominating procedure set forth in section 2 of this 2019 Act.**

12 **SECTION 4.** ORS 249.020 is amended to read:

13 249.020. (1)(a) An eligible elector may become a candidate for nonpartisan office, or for the  
 14 nomination to an office by the major political party of which the elector is a member, by filing a  
 15 nominating petition or a declaration of candidacy.

16 **(b) An eligible elector may become a candidate for the nomination to an office by a minor**  
 17 **political party that elected to follow the nominating procedure set forth in section 2 of this**  
 18 **2019 Act by filing a nominating petition or a declaration of candidacy.**

19 (2) At the time of filing, a declaration of candidacy shall be accompanied by the filing fee  
 20 specified in ORS 249.056.

21 (3) At the time of filing, a nominating petition shall contain the signature sheets described under  
 22 ORS 249.064.

23 **SECTION 5.** ORS 249.023 is amended to read:

24 249.023. Notwithstanding any provision of this chapter, and except as provided in section 8,  
 25 Article IV, Oregon Constitution, and section 2, Article V, Oregon Constitution, an otherwise quali-  
 26 fied person who will attain the age of 18 years after the deadline for filing a nominating petition  
 27 or declaration of candidacy:

28 (1) For nomination to any major political party office and on or before the date of the primary  
 29 election, and who is registered as a member of the major political party not later than the date of  
 30 the primary election, is eligible to file a nominating petition for nomination to any major political  
 31 party office, to be listed on the ballot and to be nominated for the office, including by write-in votes.

32 **(2) For nomination to any minor political party office and on or before the date of the**  
 33 **primary election, is eligible to file a nominating petition for nomination to any minor political**  
 34 **party office, to be listed on the ballot and to be nominated for the office, including by write-in**  
 35 **votes.**

36 **SECTION 6.** ORS 249.031 is amended to read:

37 249.031. (1) Except as provided in subsection (2) of this section, a nominating petition or decla-  
 38 ration of candidacy shall contain:

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

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

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

44 (d) If the candidate is seeking the nomination of a major political party, the name of the major  
 45 political party of which the candidate will have been a member, subject to the exceptions stated in

1 ORS 249.046, during at least 180 days before the deadline for filing a nominating petition or decla-  
2 ration of candidacy.

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

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

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

9 *[(h)]* (g) The signature of the candidate.

10 *[(i)]* (h) A statement of the candidate's occupation, educational and occupational background and  
11 prior governmental experience.

12 (2) Subsection *[(1)(i)]* **(1)(h)** of this section does not apply to a candidate for election as a pre-  
13 cinct committeeperson.

14 (3) A declaration of candidacy shall include a statement that the required fee is included with  
15 the declaration.

16 (4) If required by the national rules of the major political party, the declaration of a candidate  
17 for election as a precinct committeeperson shall include the name of the individual the candidate  
18 supports for President of the United States or "uncommitted" or "no preference."

19 **SECTION 7.** ORS 249.068, as amended by section 13, chapter 70, Oregon Laws 2018, is amended  
20 to read:

21 249.068. (1) Except as otherwise provided for a candidate **of a minor political party in sub-**  
22 **section (3) of this section or** for nonpartisan office in ORS 249.072:

23 (a) A nominating petition for an office to be voted for in the state at large or for a candidate  
24 for Representative in Congress shall contain signatures of members of the same major political party  
25 as the candidate. Except as provided in this subsection, there shall be at least 1,000 signatures or  
26 the number of signatures at least equal to two percent of the vote cast in the state or congressional  
27 district, as the case may be, for the candidates of that major political party for presidential electors  
28 at the last presidential election, whichever is less;

29 (b) For an election next following any change in the boundaries of a congressional district, there  
30 shall be at least 1,000 signatures or the number of signatures at least equal to two percent of the  
31 average number of votes cast in all congressional districts in this state, as the case may be, for the  
32 candidates of that major political party for presidential electors at the last presidential election,  
33 whichever is less;

34 (c) In the case of a candidate nominated by a major political party that did not nominate pres-  
35 idential electors at the last presidential election, there shall be at least 1,000 signatures; and

36 (d) If the office is one to be voted for in the state at large, the signatures shall include those  
37 of electors registered in at least five percent of the precincts in each of at least seven counties. If  
38 the office is one to be voted for in a congressional district the signatures shall include those of  
39 electors registered in at least five percent of the precincts in each of at least one-fourth of the  
40 counties in the congressional district.

41 (2) Except as otherwise provided in this section or for a candidate **of a minor political party**  
42 **in subsection (3) of this section or** for nonpartisan office in ORS 249.072:

43 (a) A nominating petition for an office not provided for in subsection (1) of this section shall  
44 contain the signatures of electors who are members of the same major political party as the candi-  
45 date. There shall be at least 500 signatures or the number of signatures at least equal to two percent

1 of the vote in the electoral district for the candidates of that major political party for presidential  
 2 electors at the last presidential election, whichever is less;

3 (b) In the case of major political party candidates for the office of state Senator or state Rep-  
 4 resentative, for an election next following any change in the boundaries of the districts of state  
 5 Senators or state Representatives under Article IV, section 6, of the Oregon Constitution, there  
 6 shall be at least 500 signatures or the number of signatures at least equal to two percent of the  
 7 average number of votes cast in all state senatorial or state representative districts in this state,  
 8 as the case may be, for the candidates of that major political party for presidential electors at the  
 9 last presidential election, whichever is less;

10 (c) In the case of a candidate nominated by a major political party that did not nominate pres-  
 11 idential electors at the last presidential election, there shall be at least 500 signatures;

12 (d) If the office under this subsection is to be voted for in more than one county, the signatures  
 13 shall include those of electors registered in at least two counties encompassed by the electoral dis-  
 14 trict, and the signatures from each such county shall include those of electors registered in at least  
 15 six percent of the precincts of the electoral district that are located within that county. If six per-  
 16 cent of the precincts of the electoral district in one of the counties or portion thereof does not  
 17 constitute a whole precinct, the nominating petition shall contain signatures from at least one pre-  
 18 cinct in that county; and

19 (e) If the office is to be voted for in only one county or in a city, the signatures shall include  
 20 those of electors registered in at least 10 percent of the precincts in the electoral district.

21 **(3)(a) If the office is to be voted for in the state at large, the nominating petition for the**  
 22 **candidate of a minor political party that elected to follow the nominating procedure set forth**  
 23 **in section 2 of this 2019 Act must contain at least 1,000 signatures of electors, or a number**  
 24 **of signatures of electors equal to at least one percent of the number of votes cast in the**  
 25 **state for all candidates for Governor at the most recent election at which a candidate for**  
 26 **Governor was elected to a full term, whichever is less.**

27 **(b) The nominating petition for the candidate of a minor political party that elected to**  
 28 **follow the nominating procedure set forth in section 2 of this 2019 Act for a nonpartisan of-**  
 29 **fice not provided for in paragraph (a) of this subsection must contain at least 500 signatures**  
 30 **of electors in the electoral district, or a number of signatures of electors equal to at least**  
 31 **one percent of the number of votes cast in the electoral district for all candidates for Gov-**  
 32 **ernor at the most recent election at which a candidate for Governor was elected to a full**  
 33 **term, whichever is less.**

34 **SECTION 8.** ORS 249.076 is amended to read:

35 249.076. (1) A person who is not a member of the same major political party as the candidate  
 36 for nomination by the major political party may not sign the nominating petition of the candidate.

37 (2) Any elector may sign:

38 (a) A nominating petition or certificate of nomination of any candidate for nonpartisan office;

39 (b) A nominating petition or certificate of nomination of any nonaffiliated candidate; *[and]*

40 **(c) A nominating petition or certificate of nomination of any candidate for a minor poli-**  
 41 **tical party that elected to follow the nominating procedure set forth in section 2 of this 2019**  
 42 **Act; and**

43 *[(c)]* **(d) Nominating petitions or certificates of nomination for more than one candidate for the**  
 44 **same office.**

45 **SECTION 9.** ORS 249.190 is amended to read:

1       249.190. (1) Except as provided in ORS 254.650, a vacancy in the nomination of a major political  
2 party candidate **or a candidate of a minor political party that elected to follow the nominating**  
3 **procedure set forth in section 2 of this 2019 Act** may be filled before the date of the general  
4 election by that political party in a manner prescribed by party rule.

5       (2) Immediately after selecting a new nominee, the party, by the most expeditious means prac-  
6 ticable, shall notify the filing officer with whom a declaration of candidacy for the office is filed of  
7 the name of the nominee.

8       (3) If the filing officer with whom a declaration of candidacy for the office is filed determines  
9 that the candidate who has been nominated by a major political party is ineligible to be elected to  
10 the office, the officer shall declare the nomination vacant and the political party shall select another  
11 candidate to fill the vacancy in the nomination as provided under this section.

12       (4) The Secretary of State by rule may adopt a schedule specifying the period following a va-  
13 cancy within which a major political party must notify the filing officer of the name of the new  
14 nominee.

15       **SECTION 10.** ORS 249.200, as amended by section 7, chapter 70, Oregon Laws 2018, is amended  
16 to read:

17       249.200. (1) A major political party **or a minor political party that elected to follow the**  
18 **nominating procedure set forth in section 2 of this 2019 Act** may nominate a candidate to fill  
19 a vacancy in a partisan elective office in the following manner:

20       (a) If the vacancy occurs on or before the 70th day before a nominating election, by selecting  
21 a nominee at the next nominating election; or

22       (b) If the vacancy occurs after the 70th day before the nominating election and on or before the  
23 62nd day before the general election, by selecting a nominee as provided by party rule.

24       (2) The procedure under subsection (1) of this section [*shall*] **does** not apply in any case in which  
25 one of the following specific procedures for filling a vacancy applies:

26       (a) The procedure specified in ORS 188.120 for the offices of Representative in Congress and  
27 United States Senator.

28       (b) The appointment procedure specified in ORS 171.051 to 171.064 for state legislative office.

29       (c) The procedure specified in ORS chapter 236 for county office.

30       (d) The procedure specified in ORS chapter 221 for city office.

31       (3) A party that selects a nominee under subsection (1)(b) of this section, immediately after the  
32 nomination, shall notify the filing officer with whom a declaration of candidacy for the office is filed  
33 of the name of the nominee by the most expeditious means practicable.

34       (4) The Secretary of State by rule may adopt a schedule specifying the period following a va-  
35 cancy within which a major political party, **or a minor political party that elected to follow the**  
36 **nominating procedure set forth in section 2 of this 2019 Act**, that selects a nominee under  
37 subsection (1)(b) of this section must notify the filing officer of the name of the nominee under sub-  
38 section (3) of this section.

39       **SECTION 11.** ORS 254.025 is amended to read:

40       254.025. (1) Statutes applicable to primary elections shall be construed as though the primary  
41 elections are separate elections for each major political party nominating candidates **and for each**  
42 **minor political party that elected to follow the nominating procedure set forth in section 2**  
43 **of this 2019 Act nominating candidates.**

44       (2) The primary elections shall be conducted as nearly as possible according to the theory ex-  
45 pressed in the preamble to chapter 1, Oregon Laws 1905.

1        **SECTION 12.** ORS 254.056 is amended to read:

2        254.056. (1) The general election shall be held on the first Tuesday after the first Monday in  
3 November of each even-numbered year. Except as provided in ORS 254.650, at the general election  
4 officers of the state and subdivisions of the state, members of Congress and electors of President  
5 and Vice President of the United States as are to be elected in that year shall be elected.

6        (2) The primary election shall be held on the third Tuesday in May of each even-numbered year.  
7 At the primary election precinct committeepersons shall be elected and major political party candi-  
8 dates **and candidates for minor political parties that elected to follow the nominating proce-**  
9 **cedure set forth in section 2 of this 2019 Act** shall be nominated for offices to be filled at the  
10 general election held in that year.

11        **SECTION 13.** ORS 254.076 is amended to read:

12        254.076. The chief elections officer shall keep a register of candidates for nomination at the  
13 primary election. The register, if applicable, shall contain for each major political party **and for**  
14 **each minor political party that elected to follow the nominating procedure set forth in sec-**  
15 **tion 2 of this 2019 Act:**

16        (1) The title of each office for which the [*major*] political party will nominate candidates at the  
17 primary election.

18        (2) The name and mailing address of each candidate for nomination at the primary election.

19        (3) The name of the [*major*] political party with which the candidate is registered as affiliated.

20        (4) The date of filing of the prospective petition for nomination of the candidate.

21        (5) The date of filing of the completed petition for nomination of the candidate, the number of  
22 valid signatures contained and the number of signatures required.

23        (6) The date of filing of the declaration of candidacy of the candidate.

24        (7) Such other information as may aid the chief elections officer in arranging the official ballot  
25 for the primary election.

26        **SECTION 14.** ORS 254.370 is amended to read:

27        254.370. The county clerk shall maintain:

28        (1) A monthly registration record of all electors registered as not being affiliated with any pol-  
29 itical party;

30        (2) At each primary election, a record of the number of electors who:

31        (a) Voted from each major political party; **and**

32        (b) **Voted for each minor political party that elected to follow the nominating procedure**  
33 **set forth in section 2 of this 2019 Act;**

34        (3) A record of all electors registered as not being affiliated with any political party who vote  
35 in a primary election of a major political party, **or a minor political party that elected to follow**  
36 **the nominating procedure set forth in section 2 of this 2019 Act**, that has provided under ORS  
37 254.365 for a primary election that admits electors not affiliated with any political party; and

38        (4) A record of all electors registered as not being affiliated with any political party who vote  
39 in the general election.

40        **SECTION 15.** ORS 254.470, as amended by section 4, chapter 70, Oregon Laws 2018, is amended  
41 to read:

42        254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the  
43 designation of places of deposit for the ballots cast in an election. The rules shall also specify the  
44 dates and times the places of deposit must be open and the security requirements for the places of  
45 deposit. At a minimum, the places designated under this section shall be open on the date of the

1 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place  
 2 of deposit designated under this section, the county clerk shall prominently display a sign stating  
 3 that the location is an official ballot drop site.

4 (2)(a) Except as provided in paragraphs (b) and (c) of this subsection, the county clerk shall mail  
 5 by nonforwardable mail an official ballot with a return identification envelope and a secrecy envel-  
 6 ope not sooner than the 20th day before the date of an election and not later than the 14th day  
 7 before the date of the election, to each active elector of the electoral district as of the 21st day  
 8 before the date of the election.

9 (b) If the county clerk determines that an active elector of the electoral district as of the 21st  
 10 day before the date of the election does not receive daily mail service from the United States Postal  
 11 Service, the county clerk shall mail by nonforwardable mail an official ballot with a return iden-  
 12 tification envelope and a secrecy envelope to the elector not sooner than the 20th day before the  
 13 date of an election and not later than the 18th day before the date of the election.

14 (c) In the case of ballots to be mailed to addresses outside this state to electors who are not  
 15 military or overseas electors, the county clerk may mail the ballots not sooner than the 29th day  
 16 before the date of the election.

17 (3) For an election held on the date of a primary election:

18 (a) The county clerk shall mail the official ballot of a major political party to each elector who  
 19 is registered as being affiliated with the major political party as of the 21st day before the date of  
 20 the election.

21 (b) The county clerk shall mail the official ballot of a major political party, **or a minor political**  
 22 **party that elected to follow the nominating procedure set forth in section 2 of this 2019 Act**,  
 23 to an elector not affiliated with any political party if the elector has applied for the ballot as pro-  
 24 vided in this subsection and that party has provided under ORS 254.365 for a primary election that  
 25 admits electors not affiliated with any political party.

26 (c) **The county clerk shall mail the official ballot of a minor political party that elected**  
 27 **to follow the nominating procedure set forth in section 2 of this 2019 Act to each elector who**  
 28 **is registered as being affiliated with the minor political party as of the 21st day before the**  
 29 **date of the election.**

30 [(c)] (d) An elector not affiliated with any political party who wishes to vote in the primary  
 31 election of a major political party, **or a minor political party that elected to follow the nomi-**  
 32 **nating procedure set forth in section 2 of this 2019 Act**, shall apply to the county clerk in  
 33 writing. The application must be completed, signed and submitted by the elector electronically, in  
 34 person or by mail, in a manner determined by the secretary by rule and must indicate which **ballot**  
 35 **of a major political party [ballot], or a minor political party that elected to follow the nomi-**  
 36 **nating procedure set forth in section 2 of this 2019 Act**, the elector wishes to receive. Except  
 37 for electors described in subsection (4) of this section, and subject to ORS 247.203, the application  
 38 must be received by the county clerk not later than 5 p.m. of the 21st day before the date of the  
 39 election.

40 [(d)] (e) If the primary election ballot includes city, county or nonpartisan offices or measures,  
 41 the county clerk shall mail to each elector who is not eligible to vote for party candidates a ballot  
 42 limited to those offices and measures for which the elector is eligible to vote.

43 (4) For each elector who updates a voter registration after the deadline in ORS 247.025, the  
 44 county clerk shall make the official ballot, the return identification envelope and the secrecy en-  
 45 velope available either by mail or at the county clerk's office or at another place designated by the

1 county clerk. An elector to whom this subsection applies must request a ballot from the county  
 2 clerk.

3 (5) The ballot shall contain the following warning:  
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5  
 6 Any person who, by use of force or other means, unduly influences an elector to vote in any  
 7 particular manner or to refrain from voting is subject to a fine.  
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9  
 10 (6)(a) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign  
 11 the return identification envelope supplied with the ballot and comply with the instructions provided  
 12 with the ballot.

13 (b) The elector may return the marked ballot to the county clerk by United States mail or by  
 14 depositing the ballot at the office of the county clerk, at any place of deposit designated by the  
 15 county clerk or at any location described in ORS 254.472 or 254.474.

16 (c) The ballot must be returned in the return identification envelope. If the elector returns the  
 17 ballot by mail, the elector must provide the postage.

18 (d) Subject to paragraph (e) of this subsection, if a person returns a ballot for an elector, the  
 19 person shall deposit the ballot in a manner described in paragraph (b) of this subsection not later  
 20 than two days after receiving the ballot.

21 (e) A ballot must be received at the office of the county clerk, at the designated place of deposit  
 22 or at any location described in ORS 254.472 or 254.474 not later than the end of the period deter-  
 23 mined under subsection (1) of this section on the date of the election.

24 (7) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not  
 25 received by the elector. Replacement ballots shall be issued and processed as described in this  
 26 section and ORS 254.480. The county clerk shall keep a record of each replacement ballot provided  
 27 under this subsection. Notwithstanding any deadline for mailing ballots in subsection (2) of this  
 28 section, a replacement ballot may be mailed, made available in the office of the county clerk or made  
 29 available at one central location in the electoral district in which the election is conducted. The  
 30 county clerk shall designate the central location. A replacement ballot need not be mailed after the  
 31 fifth day before the date of the election.

32 (8) A ballot shall be counted only if:

33 (a) It is returned in the return identification envelope;

34 (b) The envelope is signed by the elector to whom the ballot is issued, unless a certified state-  
 35 ment is submitted under ORS 254.431; and

36 (c) The signature is verified as provided in subsection (9) of this section.

37 (9) The county clerk shall verify the signature of each elector on the return identification en-  
 38 velope with the signature on the elector's registration record, according to the procedure provided  
 39 by rules adopted by the Secretary of State. If the county clerk determines that an elector to whom  
 40 a replacement ballot has been issued has voted more than once, the county clerk shall count only  
 41 one ballot cast by that elector.

42 (10) At 8 p.m. on election day, electors who are at the county clerk's office, a place of deposit  
 43 designated under subsection (1) of this section or any location described in ORS 254.472 or 254.474  
 44 and who are in line waiting to vote or deposit a voted ballot shall be considered to have begun the  
 45 act of voting.



1        **SECTION 16.** ORS 254.555 is amended to read:

2        254.555. (1) Except as provided in ORS 254.548, not later than the 30th day after any election,  
3 the Secretary of State, regarding offices for which the secretary receives filings for nomination,  
4 shall:

5        (a) Canvass the votes for the offices, except the office of Governor after the general election.

6        (b) Enter in a register of nominations after the primary election the name and, if applicable,  
7 major political party of each candidate nominated, the office for which the candidate is nominated  
8 and the date of entry.

9        **(c) Enter in a register of nominations after the primary election the name and, if appli-**  
10 **cable, minor political party that elected to follow the nominating procedure set forth in**  
11 **section 2 of this 2019 Act, of each candidate nominated, the office for which the candidate**  
12 **is nominated and the date of entry.**

13        [(c)] (d) Prepare and deliver a certificate of nomination or election to each candidate having the  
14 most votes for nomination for or election to the office. The Secretary of State shall sign the certif-  
15 icate under the seal of the state.

16        [(d)] (e) Issue a proclamation declaring the election of candidates to the offices.

17        (2) Not later than the 30th day after the election:

18        (a) The Secretary of State, regarding measures for which the secretary is the filing officer, shall  
19 canvass the votes for each measure.

20        (b) The Governor shall issue a proclamation giving the number of votes cast for or against each  
21 such measure, and declaring the approved measures as the law on the effective date of the measure.  
22 If two or more approved measures contain conflicting provisions, the Governor shall proclaim which  
23 is paramount.

24        **SECTION 17.** ORS 254.565 is amended to read:

25        254.565. Subject to ORS 254.548, the chief city elections officer:

26        (1) After the primary election, shall enter in a register of nominations:

27        (a) The name of each candidate for city office nominated at the primary election.

28        (b) The office for which the candidate is nominated.

29        (c) If applicable, the name of the major political party, **or minor political party that elected**  
30 **to follow the nominating procedure set forth in section 2 of this 2019 Act,** nominating the  
31 candidate.

32        (d) The date of the entry.

33        (2) After the general election, shall prepare and deliver a certificate of election to each qualified  
34 candidate having the most votes for election to a city office.

35        (3) Not later than the 40th day after any election, shall canvass the vote on each city measure,  
36 and if two or more of the approved measures contain conflicting provisions, proclaim which is par-  
37 amount.

38        **SECTION 18.** ORS 254.575 is amended to read:

39        254.575. When two or more candidates for the same office, after a full recount of votes, have an  
40 equal and the highest number of votes:

41        (1) For election to state Senator or Representative, a party office, or a public office for which  
42 the elections officer is other than the Secretary of State, the elections officer shall have the candi-  
43 dates meet publicly to decide by lot who is elected.

44        (2) For election to a public office other than Governor or those referred to in subsection (1) of  
45 this section, the Secretary of State by proclamation shall order a new election to fill the office.

1 (3) For election to Governor, the Legislative Assembly at the beginning of the next regular  
2 session shall meet jointly and elect one of the candidates.

3 (4) For nomination by one major political party, **or by one minor political party that elected**  
4 **to follow the nominating procedure set forth in section 2 of this 2019 Act**, to an office, the  
5 elections officer who receives filings for nomination to the office shall have the candidates meet  
6 publicly to decide by lot who is nominated.

7 **SECTION 19.** ORS 254.365 is amended to read:

8 254.365. (1) An elector is not qualified or permitted to vote at any primary election for any  
9 candidate of a major political party, **or a minor political party that elected to follow the nomi-**  
10 **nating procedure set forth in section 2 of this 2019 Act**, and it is unlawful for the elector to offer  
11 to do so, unless:

12 (a) The elector is registered as being affiliated with one of the major political parties, **or one**  
13 **of the minor political parties that elected to follow the nominating procedure set forth in**  
14 **section 2 of this 2019 Act**, nominating or electing its candidates for public office at the primary  
15 election; or

16 (b) The elector is registered as not being affiliated with any political party and wishes to vote  
17 in the primary election of a major political party, **or a minor political party that elected to follow**  
18 **the nominating procedure set forth in section 2 of this 2019 Act**, that has provided under sub-  
19 section (3) of this section for a primary election that admits electors not affiliated with any political  
20 party.

21 (2) Except as provided in ORS 254.470 (3), any elector offering to vote at the primary election  
22 shall be given a ballot of the major political party, **or the minor political party that elected to**  
23 **follow the nominating procedure set forth in section 2 of this 2019 Act**, with which the elector  
24 is registered as being affiliated. The elector may not be given a ballot of any other political party  
25 at that primary election. An elector not affiliated with any political party and offering to vote at  
26 the primary election shall be given the ballot of the major political party, **or the minor political**  
27 **party that elected to follow the nominating procedure set forth in section 2 of this 2019 Act**,  
28 in whose primary election the elector wishes to vote if that party has provided under subsection (3)  
29 of this section for a primary election that admits electors not affiliated with any political party. An  
30 elector not affiliated with any political party who is given a ballot of the major political party, **or**  
31 **the minor political party that elected to follow the nominating procedure set forth in section**  
32 **2 of this 2019 Act**, associates with the party for the purpose of voting in that primary election.

33 (3)(a) Not later than the 90th day before the date of the primary election, a major political  
34 party, **or a minor political party that elected to follow the nominating procedure set forth in**  
35 **section 2 of this 2019 Act**, may file with the Secretary of State a certified copy of the current party  
36 rule allowing an elector not affiliated with any political party to vote in the party's primary  
37 election. The party may not repeal the rule as filed during the 90 days before the primary election.  
38 The rule shall continue to be effective after the date of the primary election until the party gives  
39 written notice to the Secretary of State that the rule has been repealed. Except as provided in  
40 paragraph (b) of this subsection, a party rule under this subsection may limit the candidates for  
41 whom an elector who is not affiliated with any political party may vote.

42 (b) The party rule shall allow any elector who is permitted to vote for the most numerous  
43 branch of the Legislative Assembly also to vote in federal legislative elections, consistent with sec-  
44 tion 2, Article I, and the Seventeenth Amendment to the United States Constitution.

45 (4) If the primary election ballot includes city, county or nonpartisan offices or measures, and

1 it is given to an elector who is not eligible to vote for party candidates, the ballot shall be marked  
2 “non-affiliated.”

3 **SECTION 20.** ORS 254.500 is amended to read:

4 254.500. (1) This section governs the tally of votes cast for persons whose names were not  
5 printed on the ballot but are written in by electors. All such write-in votes for each office on the  
6 ballot shall be tallied together, except as follows:

7 (a) If the total number of write-in votes for candidates for the same nomination or office equals  
8 or exceeds the number of votes cast for any candidate for the same nomination or office on the  
9 ballot who appears to have been nominated or elected, the county clerk shall tally all write-in votes  
10 cast for the office to show the total number of votes cast for each write-in candidate.

11 (b) If no names of candidates are printed on the ballot for an office, the county clerk shall tally  
12 the votes cast for each candidate for the office who received a vote.

13 (2) No person other than the county clerk, a member of a counting board or any other elections  
14 official designated by the county clerk may tally write-in votes.

15 **(3) Notwithstanding subsection (1) of this section, when tallying write-in votes for the**  
16 **nomination of a candidate of a minor political party that elected to follow the nominating**  
17 **procedure set forth in section 2 of this 2019 Act, the county clerk may tally only write-in**  
18 **votes cast for persons who have timely filed a declaration of intent and request for write-in**  
19 **votes to be tallied under section 23 of this 2019 Act.**

20 **SECTION 21.** ORS 248.015 is amended to read:

21 248.015. (1) A precinct committeeperson shall be a representative of the major political party in  
22 the precinct. At the primary election a major political party shall elect from its members a com-  
23 mitteeperson of each sex for every 500 electors, or major fraction thereof, who are registered in the  
24 precinct on January 31 of the year of the primary election. In any event the political party members  
25 of a precinct shall be entitled to elect not less than one committeeperson of each sex in the precinct.  
26 No person shall hold office as committeeperson in more than one precinct.

27 (2) A member of a major political party may become a candidate for precinct committeeperson  
28 of the precinct in which the person is registered, or of a precinct within the same county adjoining  
29 that precinct, by filing a declaration of candidacy described in ORS 249.031, except as provided in  
30 subsection (3) of this section.

31 (3) ORS 249.031 [(1)(i)] **(1)(h)** shall not apply to declarations of candidacy for candidates for  
32 precinct committeeperson.

33 (4) A member of the major political party who has been a member of that party for 180 days  
34 before the primary election may be elected by write-in votes as precinct committeeperson of the  
35 precinct in which the member is registered, or of a precinct within the same county adjoining that  
36 precinct.

37 (5) Unless a qualified person receives at least three votes, no person shall be deemed to have  
38 been elected as precinct committeeperson and the office of committeeperson shall be vacant.

39 (6) The term of office of a precinct committeeperson is from the 24th day after the date of the  
40 primary election until the 24th day after the date of the next following primary election.

41 (7) A precinct committeeperson shall not be considered a public officer.

42 **SECTION 22.** Section 23 of this 2019 Act is added to and made a part of ORS chapter 254.

43 **SECTION 23.** (1) **A person who wishes to be nominated by write-in vote as the candidate**  
44 **of a minor political party that elected to follow the nominating procedure set forth in section**  
45 **2 of this 2019 Act, must file with the filing officer a declaration of intent and request for**

1 write-in votes to be tallied. The person must file the declaration and request no later than  
2 14 days before the date of the primary election. The declaration and request must:

3 (a) Certify that the person is legally qualified to assume the duties of the public office;  
4 and

5 (b) Provide the electronic mail address of the person.

6 (2) Upon receipt of a declaration and request filed under subsection (1) of this section,  
7 the filing officer shall take actions the filing officer deems necessary to determine whether  
8 the person filing the declaration and request meets the qualifications to assume the duties  
9 of the public office. If the filing officer determines that the person meets the qualifications,  
10 the filing officer shall ensure that the county clerk counts the write-in votes for the person.

11 (3) If a person does not qualify under subsection (2) of this section to have the county  
12 clerk count the write-in votes for that person, the county clerk may not count any write-in  
13 votes cast for that person.

14 (4) As used in this section, “filing officer” has the meaning given that term in ORS  
15 254.165.

16 SECTION 24. Sections 2 and 23 of this 2019 Act and the amendments to statutes by  
17 sections 3 to 21 of this 2019 Act apply to primary elections held on or after the effective date  
18 of this 2019 Act.

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