

House Bill 3270

Sponsored by Representative NOBLE (at the request of former Representative A. Richard Vial)

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**.

Designates offices of Governor, Secretary of State, State Treasurer, state Senator and state Representative as nonpartisan.

A BILL FOR AN ACT

1
2 Relating to public officials; creating new provisions; and amending ORS 137.683, 137.685, 171.051,
3 171.060, 171.068, 244.250, 249.002, 249.068, 249.072, 249.088, 249.091, 249.200, 250.137, 254.005,
4 254.056, 254.365, 254.650 and 284.883.

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

6 **SECTION 1.** ORS 249.002 is amended to read:

7 249.002. As used in this chapter:

8 (1) "Candidate" means an individual whose name is or is expected to be printed on the official
9 ballot or a write-in candidate.

10 (2) "County clerk" means the county clerk or the county official in charge of elections.

11 (3) "Elector" means an individual qualified to vote under **Article II**, section 2, [*Article II*,]
12 Oregon Constitution.

13 (4) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon
14 Tax Court, or any county judge who exercises judicial functions.

15 (5) "Member" means an individual who is registered as being affiliated with the political party.

16 (6) "Minor political party" means a political party that has qualified as a minor political party
17 under ORS 248.008.

18 (7) "Nonpartisan office" means the office of **Governor, Secretary of State, State Treasurer,**
19 judge, Commissioner of the Bureau of Labor and Industries, **state Senator, state Representative,**
20 any elected office of a metropolitan service district under ORS chapter 268, justice of the peace,
21 county clerk, county assessor, county surveyor, county treasurer, sheriff, district attorney or any
22 office designated nonpartisan by a home rule charter.

23 (8) "Prospective petition" means the information, except signatures and other identification of
24 petition signers, required to be contained in a completed petition.

25 (9) "Public office" means any national, state, county, city or district office or position, except
26 a political party office, filled by the electors.

27 (10) "State office" means Governor, Secretary of State, State Treasurer, Attorney General,
28 Commissioner of the Bureau of Labor and Industries, judge, state Senator, state Representative or
29 district attorney.

30 **SECTION 2.** ORS 254.005 is amended to read:

31 254.005. As used in this chapter:

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 (1) "Ballot" means any material on which votes may be cast for candidates or measures. In the
 2 case of a recall election, "ballot" includes material posted in a voting compartment or delivered to
 3 an elector by mail.

4 (2) "Chief elections officer" means the:

5 (a) Secretary of State, regarding a candidate for a state office or an office to be voted on in the
 6 state at large or in a congressional district, or a measure to be voted on in the state at large.

7 (b) County clerk, regarding a candidate for a county office, or a measure to be voted on in a
 8 county only.

9 (c) City clerk, auditor or recorder, regarding a candidate for a city office, or a measure to be
 10 voted on in a city only.

11 (3) "County clerk" means the county clerk or the county official in charge of elections.

12 (4) "Elector" means an individual qualified to vote under **Article II**, section 2, [*Article II*],
 13 Oregon Constitution.

14 (5) "Major political party" means a political party that has qualified as a major political party
 15 under ORS 248.006.

16 (6) "Measure" includes any of the following submitted to the people for their approval or re-
 17 jection at an election:

18 (a) A proposed law.

19 (b) An Act or part of an Act of the Legislative Assembly.

20 (c) A revision of or amendment to the Oregon Constitution.

21 (d) Local, special or municipal legislation.

22 (e) A proposition or question.

23 (7) "Minor political party" means a political party that has qualified as a minor political party
 24 under ORS 248.008.

25 (8) "Nonpartisan office" means the office of judge of the Supreme Court, Court of Appeals, cir-
 26 cuit court or the Oregon Tax Court, **Governor, Secretary of State, State Treasurer**, Commis-
 27 sioner of the Bureau of Labor and Industries, **state Senator, state Representative**, any elected
 28 office of a metropolitan service district under ORS chapter 268, justice of the peace, county clerk,
 29 county assessor, county surveyor, county treasurer, county judge who exercises judicial functions,
 30 sheriff, district attorney or any office designated nonpartisan by a home rule charter.

31 (9) "Prospective petition" means the information, except signatures and other identification of
 32 petition signers, required to be contained in a completed petition.

33 (10) "Regular district election" means the election held each year for the purpose of electing
 34 members of a district board as defined in ORS 255.005 (2).

35 (11) "Vote tally system" means one or more pieces of equipment necessary to examine and tally
 36 automatically the marked ballots.

37 (12) "Voting machine" means any device that will record every vote cast on candidates and
 38 measures and that will either internally or externally total all votes cast on that device.

39 **SECTION 3.** ORS 254.056 is amended to read:

40 254.056. (1) The general election shall be held on the first Tuesday after the first Monday in
 41 November of each even-numbered year. Except as provided in ORS 254.650, at the general election
 42 officers of the state and subdivisions of the state, members of Congress and electors of President
 43 and Vice President of the United States as are to be elected in that year shall be elected.

44 (2) The primary election shall be held on the third Tuesday in May of each even-numbered year.
 45 At the primary election:

1 (a) precinct committeepersons shall be elected and major political party candidates shall be
 2 nominated for offices to be filled at the general election held in that year; **and**

3 **(b) Nonpartisan candidates shall be nominated or elected as provided in ORS 249.088.**

4 **SECTION 4.** ORS 254.650 is amended to read:

5 254.650. (1) If the Secretary of State determines that a vacancy exists in the nomination of a
 6 candidate of a major political party for *[state office]* **Attorney General or in the nomination of a**
 7 **nonpartisan candidate for the office of Governor, Secretary of State, State Treasurer, state**
 8 **Senator or state Representative**, that the vacancy is due to the death of the candidate and that
 9 the vacancy occurred after the 47th day before the date of the general election:

10 (a) The election for *[that state office]* **the office of Attorney General, Governor, Secretary**
 11 **of State, State Treasurer, state Senator or state Representative** may not be held at the general
 12 election;

13 (b) The county clerks may not count ballots cast for candidates for *[that state office]* **the office**
 14 **of Attorney General, Governor, Secretary of State, State Treasurer, state Senator or state**
 15 **Representative** at the general election; and

16 (c) The Secretary of State shall order a special election as provided in ORS 254.655.

17 (2) The candidates listed on the ballot at the special election shall be:

18 (a) The candidates who were listed on the general election ballot, other than the candidate
 19 whose nomination became vacant; and

20 (b) The candidate selected to fill the vacancy in the nomination as provided in ORS 249.190 or
 21 249.205.

22 *[(3) As used in this section "state office" means the office of Governor, Secretary of State, State*
 23 *Treasurer, Attorney General, state Senator or state Representative.]*

24 **SECTION 5.** ORS 249.088 is amended to read:

25 249.088. (1) Except as provided in ORS 249.091 **and subsections (2) and (3) of this section**, at
 26 the nominating election held on the date of the primary election[:]

27 *[(a) Unless a candidate for nonpartisan office receives a majority of the votes cast for the office,]*
 28 the two candidates who receive the highest number of votes **for the nonpartisan office** are nomi-
 29 nated.

30 *[(b)]* **(2)** If a candidate for nonpartisan office receives a majority of votes cast for the office, that
 31 candidate is elected.

32 **(3) Subsection (2) of this section does not apply to the office of Governor, Secretary of**
 33 **State, State Treasurer, state Senator or state Representative.**

34 *[(2)]* **(4)** The application of this section is subject to the provisions of a home rule charter.

35 **SECTION 6.** ORS 249.091 is amended to read:

36 249.091. (1) If a nominating petition or declaration of candidacy is filed by no more than two
 37 candidates for the office of sheriff, county treasurer or county clerk or by no more than two candi-
 38 dates to fill a vacancy in a nonpartisan office **other than the office of Governor, Secretary of**
 39 **State, State Treasurer, state Senator or state Representative:**

40 (a) The candidate or candidates are nominated; and

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

43 (2) If a nominating petition or declaration of candidacy is filed by more than two candidates for
 44 the office of sheriff, county treasurer or county clerk or by more than two candidates to fill a va-
 45 cancy in a nonpartisan office **other than the office of Governor, Secretary of State, State**

Treasurer, state Senator or state Representative:

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

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

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

SECTION 7. ORS 249.200 is amended to read:

249.200. (1) A major political party may nominate a candidate to fill a vacancy in a partisan elective office in the following manner:

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

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

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

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

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

[(c)] (b) The procedure specified in ORS chapter 236 for county office.

[(d)] (c) The procedure specified in ORS chapter 221 for city office.

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

(4) The Secretary of State by rule may adopt a schedule specifying the period following a vacancy within which a major political party that selects a nominee under subsection (1)(b) of this section must notify the filing officer of the name of the nominee under subsection (3) of this section.

SECTION 8. ORS 249.068 is amended to read:

249.068. (1) Except as otherwise provided for a candidate for nonpartisan office in ORS 249.072:

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

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

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

(d) If the office is one to be voted for in the state at large, the signatures shall include those of at least 100 electors registered in each congressional district.

(2) Except as otherwise provided in this section or for a candidate for nonpartisan office in ORS 249.072:

1 (a) A nominating petition for an office not provided for in subsection (1) of this section shall
 2 contain the signatures of electors who are members of the same major political party as the candi-
 3 date. There shall be at least 500 signatures or the number of signatures at least equal to two percent
 4 of the vote in the electoral district for the candidates of that major political party for presidential
 5 electors at the last presidential election, whichever is less; **and**

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

13 *[(c) (b) In the case of a candidate nominated by a major political party that did not nominate*
 14 *presidential electors at the last presidential election, there shall be at least 500 signatures.*

15 **SECTION 9.** ORS 249.072 is amended to read:

16 249.072. (1) If the nonpartisan office is to be voted for in the state at large, the nominating pe-
 17 tition shall contain at least 1,000 signatures of electors, or a number of signatures of electors equal
 18 to at least one percent of the vote cast in the state for all candidates for Governor at the most re-
 19 cent election at which a candidate for Governor was elected to a full term, whichever is less. The
 20 signatures shall include those of at least 100 electors registered in each congressional district.

21 (2)(a) The nominating petition for a nonpartisan office not provided for in subsection (1) of this
 22 section shall contain at least 500 signatures of electors in the electoral district, or a number of
 23 signatures of electors equal to at least one percent of the vote cast in the electoral district for all
 24 candidates for Governor at the most recent election at which a candidate for Governor was elected
 25 to a full term, whichever is less.

26 **(b) In the case of candidates for the office of state Senator or state Representative, for**
 27 **an election next following any change in the boundaries of the districts of state Senators or**
 28 **state Representatives under Article IV, section 6, of the Oregon Constitution, the nominating**
 29 **petition shall contain at least 500 signatures, or the number of signatures equal to at least**
 30 **one percent of the average number of votes cast in all state senatorial or state represen-**
 31 **tative districts in this state, as the case may be, for all candidates for presidential electors**
 32 **at the last presidential election, whichever is less.**

33 **SECTION 10.** ORS 254.365 is amended to read:

34 254.365. (1) An elector is not qualified or permitted to vote at any primary election for any
 35 candidate of a major political party, and it is unlawful for the elector to offer to do so, unless:

36 (a) The elector is registered as being affiliated with one of the major political parties nominating
 37 or electing its candidates for public office at the primary election; or

38 (b) The elector is registered as not being affiliated with any political party and wishes to vote
 39 in the primary election of a major political party that has provided under subsection (3) of this
 40 section for a primary election that admits electors not affiliated with any political party.

41 (2) Except as provided in ORS 254.470 (3), any elector offering to vote at the primary election
 42 shall be given a ballot of the major political party with which the elector is registered as being af-
 43 filiated. The elector may not be given a ballot of any other political party at that primary election.
 44 An elector not affiliated with any political party and offering to vote at the primary election shall
 45 be given the ballot of the major political party in whose primary election the elector wishes to vote

1 if that party has provided under subsection (3) of this section for a primary election that admits
 2 electors not affiliated with any political party. An elector not affiliated with any political party who
 3 is given a ballot of the major political party associates with the party for the purpose of voting in
 4 that primary election.

5 (3)(a) Not later than the 90th day before the date of the primary election, a major political
 6 party may file with the Secretary of State a certified copy of the current party rule allowing an
 7 elector not affiliated with any political party to vote in the party's primary election. The party may
 8 not repeal the rule as filed during the 90 days before the primary election. The rule shall continue
 9 to be effective after the date of the primary election until the party gives written notice to the
 10 Secretary of State that the rule has been repealed. [*Except as provided in paragraph (b) of this sub-*
 11 *section,*] A party rule under this subsection may limit the candidates for whom an elector who is not
 12 affiliated with any political party may vote.

13 [(b) *The party rule shall allow any elector who is permitted to vote for the most numerous branch*
 14 *of the Legislative Assembly also to vote in federal legislative elections, consistent with section 2, Article*
 15 *I, and the Seventeenth Amendment to the United States Constitution.*]

16 (4) If the primary election ballot includes city, county or nonpartisan offices or measures, and
 17 it is given to an elector who is not eligible to vote for party candidates, the ballot shall be marked
 18 "non-affiliated."

19 **SECTION 11.** ORS 171.051 is amended to read:

20 171.051. (1) When any vacancy occurs in the Legislative Assembly due to death or recall or by
 21 reason of resignation filed in writing with the Secretary of State or a person is declared disqualified
 22 by the house to which the person was elected, the vacancy shall be filled by appointment if:

23 (a) The vacancy occurs during any session of the Legislative Assembly;

24 (b) The vacancy occurs in the office of a state Representative before the 61st day before the
 25 general election to be held during that term of office;

26 (c) The vacancy occurs in the office of a state Senator before the 61st day before the first gen-
 27 eral election to be held during that term of office;

28 (d) The vacancy occurs in the office of a state Senator at any time after the 62nd day before the
 29 first general election and before the 61st day before the second general election to be held during
 30 that term of office; or

31 (e) A special session of the Legislative Assembly will be convened before a successor to the of-
 32 fice can be elected and qualified.

33 (2) The person appointed under the provisions of subsection (1) of this section shall be a citizen
 34 qualified to hold the office[,] **and** an elector of the affected legislative district [*and a member of the*
 35 *same political party for at least 180 days before the date on which the vacancy occurred. The political*
 36 *affiliation of a person appointed under subsection (1) of this section shall be determined under ORS*
 37 *236.100*]. The appointment shall be made by the county courts or boards of county commissioners
 38 of the affected counties pursuant to ORS 171.060 to 171.064. [*When the provisions of ORS 171.060 (1)*
 39 *are applicable, the appointment shall be made from a list of not fewer than three nor more than five*
 40 *nominees who have signed written statements indicating that they are willing to serve furnished by the*
 41 *Secretary of State. If fewer than three names of nominees are furnished, a list shall not be considered*
 42 *to have been submitted and the county courts or boards of county commissioners shall fill the*
 43 *vacancy.*] The vacancy must be filled by appointment within 30 days after its occurrence or not later
 44 than the time set for the convening of the special session described in subsection (1)(e) of this sec-
 45 tion when that is the basis for filling the vacancy.

1 (3) If the appointing authority required by this section to fill the vacancy does not do so within
 2 the time allowed, the Governor shall fill the vacancy by appointment within 10 days.

3 (4) Notwithstanding any appointment under the provisions of subsection (1)(c) of this section,
 4 when a vacancy occurs in the office of a state Senator before the 61st day before the first general
 5 election to be held during that term of office, the remaining two years of the term of office shall
 6 be filled by the electors of the affected legislative district at the first general election.

7 (5) Candidates for the remaining two years of the term of office of a state Senator under sub-
 8 section (4) of this section shall be nominated as provided in ORS chapter 249, [*with major political*
 9 *parties following the procedure set forth in ORS 249.200, except as follows:*]

10 [(a) *A minor political party, assembly of electors or individual electors may select a nominee for*
 11 *any vacancy occurring before the 61st day before the first general election; and*]

12 [(b) *The Secretary of State shall accept certificates of nomination and notifications of nominees se-*
 13 *lected at a primary election or by party rule and filed with the secretary]* **except that the Secretary**
 14 **of State shall accept nominating petitions or declarations of candidacy** pursuant to a schedule
 15 for filing set by the Secretary of State but in any case not later than the 62nd day before the first
 16 general election.

17 (6) The remaining two years of the term of office of a state Senator under subsection (4) of this
 18 section will commence on the second Monday in January following the general election. Any ap-
 19 pointment under the provisions of subsection (1)(c) of this section shall expire when a successor to
 20 the office is elected and qualified.

21 **SECTION 12.** ORS 171.060 is amended to read:

22 171.060. [(1) *When any vacancy as is mentioned in ORS 171.051 exists in the office of Senator or*
 23 *Representative affiliated with a major political party and that vacancy is to be filled by an appointing*
 24 *authority as provided in ORS 171.051, the Secretary of State forthwith shall notify the person desig-*
 25 *nated by the party to receive such notice. The party shall pursuant to party rule nominate not fewer*
 26 *than three nor more than five qualified persons to fill the vacancy. The nominating procedure shall*
 27 *reflect the principle of one-person, one-vote to accord voting weight in proportion to the number of party*
 28 *members represented. At the request of a party making a nomination, the county clerks of each county*
 29 *constituting the district in which the vacancy exists shall assist the party in determining the number*
 30 *of electors registered as members of the party in the district. A person shall not be nominated to fill*
 31 *the vacancy unless the person signs a written statement indicating that the person is willing to serve*
 32 *in the office of Senator or Representative. As soon as the nominees have been appointed, but no later*
 33 *than 20 days after the vacancy occurs, the party shall notify the Secretary of State of the persons*
 34 *nominated. The notification shall be accompanied by the signed written statement of each nominee in-*
 35 *dicating that the nominee is willing to serve in the office of Senator or Representative. The Secretary*
 36 *of State shall notify the county courts or boards of county commissioners of the counties constituting*
 37 *the district in which the vacancy exists of the nominees and of the number of votes apportioned to each*
 38 *member of the county courts or boards of county commissioners under ORS 171.062 and 171.064. The*
 39 *Secretary of State shall set a time for the meeting of the county courts or boards of county commis-*
 40 *sioners in order to fill the vacancy and by rule shall establish procedures for the conduct of the meet-*
 41 *ing. If the district is composed of more than one county, the Secretary of State shall name a temporary*
 42 *chairperson and designate a meeting place within the district where the county courts or boards of*
 43 *county commissioners shall convene for the purpose of filling the vacancy, pursuant to ORS 171.051*
 44 *(2).]*

45 [(2)] (1) When any vacancy [*as is mentioned*] **described** in ORS 171.051 exists in the office of

1 **state** Senator or **state** Representative [*not affiliated with a major political party*] and that vacancy
 2 is to be filled by an appointing authority as provided in ORS 171.051, the Secretary of State forth-
 3 with shall notify the county courts or boards of county commissioners of the counties constituting
 4 the district in which the vacancy occurs of the vacancy and of the number of votes apportioned to
 5 each member of the county courts or boards of county commissioners under ORS 171.062 and
 6 171.064. The Secretary of State shall set a time for a meeting of the county courts or boards of
 7 county commissioners and by rule shall establish procedures for the conduct of the meeting. If the
 8 district is composed of more than one county, the Secretary of State shall name a temporary chair-
 9 person and designate a meeting place within the district where the county courts or boards of
 10 county commissioners shall convene for the purpose of appointing a person to fill the vacancy.

11 [(3)] (2) A written statement signed by a majority of those qualified to vote upon the filling of
 12 any vacancy naming the person selected to fill the vacancy and directed to the Secretary of State
 13 is conclusive evidence of the filling of the vacancy by the appointing authority named therein.

14 **SECTION 13.** ORS 171.068 is amended to read:

15 171.068. (1) For purposes of ORS 171.060, 171.062 and 171.064, the county court or the board of
 16 county commissioners [*which shall*] **that must** fill the vacancy in the Legislative Assembly in a
 17 district created by reapportionment shall be the county court or board of county commissioners of
 18 each county any part of which is in the district that is created by the reapportionment and includes
 19 the residence from which the former **state** Senator or **state** Representative was elected.

20 (2) [*Each person nominated by a major political party to fill a vacancy in the Legislative Assembly*
 21 *occurring as described by ORS 171.051*] **A person appointed to fill a vacancy in the Legislative**
 22 **Assembly** in a district created by reapportionment must be registered to vote in the district from
 23 which the former **state** Senator or **state** Representative was elected [*and must have been a member*
 24 *of the same major political party at least 180 days before the date the vacancy to be filled occurred*].

25 (3) This section [*shall apply*] **applies** only to a vacancy in the Legislative Assembly occurring
 26 after the primary election next following reapportionment and before a person has been elected and
 27 qualified to fill the vacancy.

28 **SECTION 14.** ORS 244.250 is amended to read:

29 244.250. (1) The Oregon Government Ethics Commission is established, consisting of nine mem-
 30 bers. The appointment of a member of the commission is subject to confirmation by the Senate in
 31 the manner provided in ORS 171.562 and 171.565. Members shall be appointed in the following
 32 manner:

33 (a) The Governor shall appoint eight members from among persons recommended, [*two*] **four**
 34 each by the leadership of [*the Democratic and Republican parties in*] each house of the Legislative
 35 Assembly. **The leadership of each house of the Legislative Assembly shall recommend persons**
 36 **who are not members of the same major political party.** If a person recommended [*by the lead-*
 37 *ership of the Democratic or Republican party*] **under this paragraph** is not approved by the Gover-
 38 nor, the leadership shall recommend another person.

39 (b) The Governor shall appoint one member without leadership recommendation.

40 (2) A person who holds any public office listed in ORS 244.050 (1) except as a member of the
 41 commission may not be appointed to the commission. No more than three members may be members
 42 of the same political party.

43 (3) The term of office of a member is four years. A member is not eligible to be appointed to
 44 more than one full term but may serve out an unexpired term. Vacancies shall be filled by the ap-
 45 pointing authority for the unexpired term.

1 (4) The commission shall elect a chairperson and vice chairperson for such terms and duties as
2 the commission may require.

3 (5) A quorum consists of five members but a final decision may not be made without an affir-
4 mative vote of a majority of the members appointed to the commission.

5 (6) Members shall be entitled to compensation and expenses as provided in ORS 292.495.

6 (7) The commission may retain or appoint qualified legal counsel who must be a member of the
7 Oregon State Bar and who is responsible to the commission. The appointment of legal counsel under
8 this subsection may be made only when the commission finds it is inappropriate and contrary to the
9 public interest for the office of the Attorney General to represent concurrently more than one public
10 official or agency in any matter before the commission because the representation:

11 (a) Would create or tend to create a conflict of interest; and

12 (b) Is not subject to ORS 180.230 or 180.235.

13 (8) The Attorney General may not represent before the commission any state public official who
14 is the subject of any complaint or action of the commission at the commission's own instigation.

15 **SECTION 15.** ORS 137.683 is amended to read:

16 137.683. (1) As used in this section, "criminal offender population" means all persons who are
17 convicted of a crime or adjudicated for an act that, if committed by an adult, would constitute a
18 crime.

19 (2)(a) Upon written request from [*a member of the Legislative Assembly from each major political*
20 *party*] **two members of the Legislative Assembly who are not members of the same major**
21 **political party**, the Oregon Criminal Justice Commission shall prepare a racial and ethnic impact
22 statement on proposed legislation that is related to crime and likely to have an effect on the crim-
23 inal justice system.

24 (b) The statement shall describe the effects of the proposed legislation on the racial and ethnic
25 composition of the criminal offender population.

26 (3) A racial and ethnic impact statement must be impartial, simple and understandable and must
27 include, for racial and ethnic groups for which data are available, the following:

28 (a) An estimate of how the proposed legislation would change the racial and ethnic composition
29 of those likely to be convicted of a criminal offense created or modified by the proposed legislation;

30 (b) An estimate of the average length of incarceration that each racial and ethnic composition
31 group receives as a sentence, if applicable;

32 (c) A statement of the methodologies and assumptions used in preparing the estimate; and

33 (d) An estimate of the racial and ethnic composition of the crime victims who may be affected
34 by the proposed legislation.

35 (4) The commission shall adopt rules to carry out the provisions of this section.

36 **SECTION 16.** ORS 137.685 is amended to read:

37 137.685. (1)(a) Upon written request from [*a member of the Legislative Assembly from each major*
38 *political party*] **two members of the Legislative Assembly who are not members of the same**
39 **major political party**, the Oregon Criminal Justice Commission shall prepare a racial and ethnic
40 impact statement for a state measure that is related to crime and likely to have an effect on the
41 criminal justice system.

42 (b) The racial and ethnic impact statement must:

43 (A) Describe the effects of the state measure on the racial and ethnic composition of the crimi-
44 nal offender population as defined in ORS 137.683;

45 (B) Include the information described in ORS 137.683 (3); and

1 (C) Be impartial, simple and understandable.

2 (2) If the commission has prepared a racial and ethnic impact statement for a state measure, not
 3 later than the 110th day before a special election held on the date of a primary election or any
 4 general election at which the state measure is to be submitted to the people, the commission shall
 5 file the statement with the Secretary of State.

6 (3) Not later than the 100th day before the election at which the measure is to be voted upon,
 7 the Secretary of State shall hold a hearing in Salem upon reasonable statewide notice to receive
 8 suggestions for changes to the statement or to receive other information. At the hearing, any person
 9 may submit suggested changes or other information orally or in writing. Written suggestions and
 10 any other information also may be submitted at any time before the hearing.

11 (4) The commission shall consider suggestions and any other information submitted under sub-
 12 section (3) of this section and may file a revised statement with the Secretary of State not later than
 13 the 90th day before the election at which the measure is to be voted upon.

14 (5) The Secretary of State shall certify the statement not later than the 90th day before the
 15 election at which the measure is to be voted upon.

16 (6) All statements prepared under this section shall be made available to the public.

17 (7) A failure to prepare, file or certify a statement does not prevent inclusion of the measure in
 18 the voters' pamphlet.

19 **SECTION 17.** ORS 284.883 is amended to read:

20 284.883. (1) The Oregon Growth Board is established to formulate and implement policies and
 21 procedures to administer ORS 284.881 to 284.890, and to make recommendations for the investment,
 22 reinvestment, management and coordination of funds in the Oregon Growth Account established
 23 under ORS 348.702 and the Oregon Growth Fund established under ORS 284.890.

24 (2) The board shall consist of nine voting members and one to three nonvoting members as fol-
 25 lows:

26 (a) The State Treasurer shall be an ex officio voting member of the board.

27 (b) The Director of the Oregon Business Development Department, or the director's designee,
 28 shall be an ex officio nonvoting member of the board.

29 (c) The Governor shall appoint eight voting members, subject to Senate confirmation under ORS
 30 171.562 and 171.565 and the following:

31 (A) Two of the members shall be persons who [*do not belong to the same political party, who*]
 32 reflect the identity of the Legislative Assembly [*by political party affiliation at the time the persons*
 33 *are appointed*] and who are selected from a list of four candidates, [*each candidate recommended by*
 34 *the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Represen-*
 35 *tatives or the Minority Leader of the House of Representatives, respectively.*] **with the leadership of**
 36 **each house of the Legislative Assembly separately recommending two persons who are not**
 37 **members of the same major political party.**

38 (B) Members shall include at least one representative of each of the five congressional districts
 39 in this state.

40 (C) Six members shall be appointed as follows:

41 (i) One member with experience in banking;

42 (ii) One member with experience in credit union operations;

43 (iii) One member with experience managing investments;

44 (iv) One member with experience as a small business employer in this state; and

45 (v) Two at-large members.

1 (d) Two members of the Legislative Assembly that belong to different political parties as deter-
 2 mined by the appropriate entry on official election registration cards, who are appointed by agree-
 3 ment of the President of the Senate, the Minority Leader of the Senate, the Speaker of the House
 4 of Representatives and the Minority Leader of the House of Representatives, shall serve as nonvot-
 5 ing members of the board. If an agreement cannot be reached on both members of the Legislative
 6 Assembly to serve on the board, no appointment shall be made under this paragraph.

7 (3) The term of office of each member who is not an ex officio member is four years. A member
 8 appointed by the Governor serves at the pleasure of the Governor. Before the expiration of the term
 9 of a member who is not an ex officio member, the appointing authority shall appoint a successor
 10 whose term begins on January 1 next following. A member is eligible for reappointment. If there is
 11 a vacancy for any cause, including but not limited to the end of a term of membership in the Leg-
 12 islative Assembly, the appointing authority shall make an appointment to become immediately ef-
 13 fective for the unexpired term.

14 (4) The board shall select one of its members as chairperson and another to serve as a liaison
 15 with local governments for such terms and with duties and powers necessary for the performance
 16 of the functions of these offices as the board determines, consistent with this section.

17 (5) A majority of the voting members of the board constitutes a quorum for the transaction of
 18 business.

19 (6) A member of the board may receive compensation and reimbursement for expenses as follows:

20 (a) Members of the Legislative Assembly as provided in ORS 171.072.

21 (b) Nonlegislative members in the manner and amounts provided in ORS 292.495. Claims for
 22 compensation and expenses incurred in performing the functions of the board shall be paid out of
 23 funds appropriated to the board for that purpose.

24 (7) The Oregon Business Development Department shall provide staff to the board as necessary
 25 to allow the board to carry out its responsibilities under ORS 284.881 to 284.890.

26 **SECTION 18.** ORS 250.137 is amended to read:

27 250.137. (1) The Citizens' Initiative Review Commission is established as a semi-independent
 28 state agency subject to ORS 182.456 to 182.472. The commission shall consist of 11 members. The
 29 members shall be appointed in the following manner:

30 (a) The Governor shall appoint three members who have at some time been selected by the four
 31 appointed members of an explanatory statement committee under ORS 251.205 (5) to prepare an ex-
 32 planatory statement. [*as follows:*]

33 [(A) *One member recommended by the leadership of the Democratic party in the Senate and one*
 34 *member recommended by the leadership of the Republican party in the Senate.*]

35 [(B) *Except as provided in subparagraph (C) of this paragraph, one member recommended by the*
 36 *leadership of the political party with the largest representation in the Senate that is not the same party*
 37 *as the Governor.*]

38 [(C) *If more than two political parties are represented in the Senate, one member recommended by*
 39 *the leadership of a third political party with the largest representation in the Senate.*]

40 (b) Two former moderators shall be appointed as members as described in ORS 250.143.

41 (c) Six electors who have served on a citizen panel shall be appointed as members as described
 42 in ORS 250.143.

43 (2) The term of office of a member of the commission is four years, with the terms of no more
 44 than six members expiring every two years. Vacancies shall be filled by the Governor for the un-
 45 expired term, consistent with subsection (1) of this section.

1 (3) The commission shall:

2 (a) Ensure that the citizen panels are convened to review initiated measures in a fair and im-
3 partial manner.

4 (b) Adopt rules necessary to carry out the commission's duties under ORS 250.137 to 250.149.

5 **SECTION 19. (1) The amendments to ORS 137.683, 137.685, 171.051, 171.060, 171.068,**
6 **244.250, 249.002, 249.068, 249.072, 249.088, 249.091, 249.200, 250.137, 254.005, 254.056, 254.365,**
7 **254.650 and 284.883 by sections 1 to 18 of this 2021 Act apply only to nominations for, and**
8 **appointments and elections to, the offices of Governor, Secretary of State, State Treasurer,**
9 **state Senator and state Representative occurring on or after the effective date of this 2021**
10 **Act. A certificate of nomination, nominating petition or declaration of candidacy for the of-**
11 **fice of Governor, Secretary of State, State Treasurer, state Senator or state Representative**
12 **filed before the effective date of this 2021 Act for an election to be conducted on or after the**
13 **effective date of this 2021 Act shall be considered to have been filed for a nonpartisan office.**

14 (2) Nothing in the amendments to ORS 244.250 and 284.883 by sections 14 and 17 of this
15 2021 Act is intended to require a change in the composition of the Oregon Government Ethics
16 Commission or the Oregon Growth Board.

17