

# House Bill 3393

Sponsored by Representative WILDE

## 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**.

Requires nominating petition or declaration of candidacy and certificate of nomination to contain phone number and electronic mail address of candidate that cannot be from public body.

Requires Secretary of State to adopt electronic candidate filing system that allows candidates to file for nomination or election to any public office via Internet. Establishes information electronic candidate filing system must make available to view by public.

## A BILL FOR AN ACT

1  
2 Relating to filings by candidates for public office; creating new provisions; and amending ORS  
3 249.031 and 249.720.

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

5 **SECTION 1.** ORS 249.031 is amended to read:

6 249.031. (1) Except as provided in subsection (2) of this section, a nominating petition or decla-  
7 ration of candidacy shall contain:

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

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

11 **(B) The address information required by rule under subparagraph (A) of this paragraph**  
12 **must include the city and state in which the candidate resides.**

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

15 (d) If the candidate is seeking the nomination of a major political party, the name of the major  
16 political party of which the candidate will have been a member, subject to the exceptions stated in  
17 ORS 249.046, during at least 180 days before the deadline for filing a nominating petition or decla-  
18 ration of candidacy.

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

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

22 (g) If the candidate is seeking the nomination of a major political party, a statement that the  
23 candidate, if not nominated, will not accept the nomination or endorsement of any political party  
24 other than the one of which the candidate is a member on the date the petition or declaration is  
25 filed.

26 (h) The signature of the candidate.

27 (i) A statement of the candidate's occupation, educational and occupational background and  
28 prior governmental experience.

29 **(j) A phone number for the candidate, which may not be a phone number provided to the**  
30 **candidate by a public body as defined in ORS 174.109.**

**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       **(k) An electronic mail address for the candidate, which may not be an electronic mail**  
 2       **address provided to the candidate by a public body as defined in ORS 174.109.**

3       (2) Subsection (1)(i) of this section does not apply to a candidate for election as a precinct  
 4       committeeperson.

5       (3) The Secretary of State shall ensure that the templates for a nominating petition or declara-  
 6       tion of candidacy provide the candidate with the option to provide the candidate’s race and  
 7       ethnicity.

8       (4) A declaration of candidacy shall include a statement that the required fee is included with  
 9       the declaration.

10       (5) If required by the national rules of the major political party, the declaration of a candidate  
 11       for election as a precinct committeeperson shall include the name of the individual the candidate  
 12       supports for President of the United States or “uncommitted” or “no preference.”

13       **SECTION 2.** ORS 249.720 is amended to read:

14       249.720. (1) A certificate of nomination shall contain:

15       (a) The name by which the candidate is commonly known. A candidate may use a nickname in  
 16       parentheses in connection with the full name.

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

18       **(B) The address information required by rule under subparagraph (A) of this paragraph**  
 19       **must include the city and state in which the candidate resides.**

20       (c) The office, and department or position number if any, for which the candidate is nominated.

21       (d) The name of the minor political party, if any, that nominated the candidate.

22       (e) If the candidate is nominated for a partisan office by an assembly of electors or individual  
 23       electors, the word “nonaffiliated” and a statement that the candidate has not been a member of a  
 24       major or minor political party during at least 180 days before the deadline for filing the certificate  
 25       of nomination.

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

27       (g) The signature of the candidate.

28       (h) A statement of the candidate’s occupation, educational and occupational background and  
 29       prior governmental experience.

30       **(i) A phone number for the candidate, which may not be a phone number provided to the**  
 31       **candidate by a public body as defined in ORS 174.109.**

32       **(j) An electronic mail address for the candidate, which may not be an electronic mail**  
 33       **address provided to the candidate by a public body as defined in ORS 174.109.**

34       (2) The Secretary of State shall ensure that the template for a certificate of nomination provides  
 35       the candidate with the option to provide the candidate’s race and ethnicity.

36       (3) For certificates of nomination of candidates for electors of President and Vice President of  
 37       the United States, the names of the candidates for President and Vice President the candidates  
 38       represent may be added to the name of the minor political party or the word “nonaffiliated,” as the  
 39       case may be. The names of all the candidates of a minor political party, or nonaffiliated candidates,  
 40       for electors of President and Vice President may be upon the same certificate of nomination.

41       (4) A certificate of nomination made by an assembly of electors shall be signed by the presiding  
 42       officer and secretary of the nominating convention of the assembly. A certificate of nomination made  
 43       by a minor political party shall be signed by an officer of the party. An affidavit shall be made on  
 44       the certificate by the presiding officer and secretary of the nominating convention of the assembly  
 45       or by the officer of the minor political party and signed and acknowledged by them before a notary

1 public. The affidavit shall be that the statements in the certificate of nomination and related docu-  
 2 ments are true. With respect to an assembly of electors, the affidavit shall state that the assembly  
 3 satisfied the requirements of ORS 249.735.

4 **SECTION 3. Section 4 of this 2021 Act is added to and made a part of ORS chapter 249.**

5 **SECTION 4. (1) As used in this section:**

6 (a) “Filing officer” has the meaning given that term in ORS 254.165.

7 (b) “Major political party” means a political party that has qualified as a major political  
 8 party under ORS 248.006.

9 (2) The Secretary of State by rule shall adopt an electronic candidate filing system that  
 10 allows candidates to file for nomination or election to any public office via the Internet. The  
 11 filing system adopted under this subsection:

12 (a) Shall ensure that a candidate’s electronic filing for nomination or election to public  
 13 office is directed to the relevant filing officer for that public office; and

14 (b) May not be used to prevent a candidate from filing in person for nomination or  
 15 election to a public office with the filing officer for that office.

16 (3) In addition to the requirements set forth in subsection (2) of this section, the elec-  
 17 tronic candidate filing system adopted under this section must make available to view by the  
 18 public for each candidate for nomination or election to a public office:

19 (a) The name of the candidate as it will appear on the ballot.

20 (b) The office and department or position number, if any, for which the candidate seeks  
 21 nomination or election.

22 (c) A phone number for the candidate, which may not be a phone number provided to the  
 23 candidate by a public body as defined in ORS 174.109.

24 (d) An electronic mail address for the candidate, which may not be an electronic mail  
 25 address provided to the candidate by a public body as defined in ORS 174.109.

26 (e) The city and state in which the candidate resides.

27 (f) Except for a candidate for nonpartisan office, any major political party or minor pol-  
 28 itical party with which the candidate is affiliated.

29 (g) Any major political party or minor political party that has endorsed the candidate.

30 (h) Any photograph of the candidate that the candidate has chosen to submit.

31 (i) A link to any campaign website of the candidate that the candidate has chosen to  
 32 submit.

33 (j) A link to any social media website of the candidate that the candidate has chosen to  
 34 submit.

35 (4) If a candidate uses the electronic candidate filing system described in this section to  
 36 file for nomination or election to a public office:

37 (a) The filing officer for the public office is responsible for determining whether the  
 38 candidate qualifies to hold the public office and for collecting any fees associated with filing  
 39 for nomination or election to the public office; and

40 (b) The candidate shall be considered to have filed for nomination or election to the  
 41 public office with the filing officer for that public office.

42 (5) The Secretary of State may adopt rules necessary to implement this section.

43 **SECTION 5. The amendments to ORS 249.031 and 249.720 by sections 1 and 2 of this 2021**  
 44 **Act apply to nominating petitions and declarations of candidacy filed on or after the effective**  
 45 **date of this 2021 Act.**

