

# Senate Bill 371

Sponsored by Senator BOQUIST (Pre-session filed.)

## 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 primary election ballot to contain option permitting electors to vote for "None of the above" for nonpartisan state office with only one listed candidate. Requires nonpartisan state office election to occur at general election if "None of the above" option receives more votes than listed candidate and any write-in candidate. Requires Secretary of State to establish system to allow additional qualified electors to become candidates for nonpartisan state office at general election.

Requires general election ballot to contain option permitting electors to vote for "None of the above" for state office with only one listed candidate. Requires state office election to occur at special election held no later than January 2 immediately following general election if "None of the above" option receives more votes than listed candidate and any write-in candidate. Requires Secretary of State to establish system to allow additional qualified electors to become candidates for state office at special election.

## A BILL FOR AN ACT

1  
2 Relating to establishing an option to vote for no candidate.

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

4 **SECTION 1. Sections 2 and 3 of this 2021 Act are added to and made a part of ORS**  
5 **chapter 254.**

6 **SECTION 2. (1)(a) Notwithstanding ORS 254.115 or 254.125, a ballot containing the names**  
7 **of candidates for a nonpartisan office at a nominating election held on the date of the pri-**  
8 **mary election shall contain, for each nonpartisan state office in which a candidate is unop-**  
9 **posed, an additional line equivalent to the line on which the candidate's name appears. The**  
10 **line shall read "None of the above" and permit the elector to express a choice of that line**  
11 **in the same manner as the elector would cast a vote for a candidate.**

12 **(b) The voters' pamphlet and any instructions included with the ballot shall clearly ex-**  
13 **plain that an elector may select the "None of the above" option only if the elector has not**  
14 **voted for a listed candidate or for a write-in candidate for the office.**

15 **(2) Notwithstanding ORS 249.088, if the "None of the above" option described in sub-**  
16 **section (1) of this section receives more votes for a nonpartisan state office than does the**  
17 **listed candidate and any write-in candidate:**

18 **(a) The nomination or election for the nonpartisan state office that was held on the date**  
19 **of the primary election is void and a new election for the nonpartisan state office shall be**  
20 **held on the date of the general election;**

21 **(b) Notwithstanding ORS 249.016 to 249.205, the Secretary of State by rule shall establish**  
22 **a process for an eligible elector who was not a candidate for the nonpartisan state office at**  
23 **the election described in subsection (1) of this section to become a candidate for the non-**  
24 **partisan state office at the general election; and**

25 **(c) Notwithstanding ORS 254.135, the candidates listed on the official general election**  
26 **ballot for the nonpartisan state office shall be:**

**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 (A) The candidate who was listed on the ballot at the election described in subsection (1)  
2 of this section; and

3 (B) Any eligible electors who satisfy the process established by the secretary under par-  
4 agraph (b) of this subsection.

5 (3) As used in this section, “nonpartisan state office” means the office of Commissioner  
6 of the Bureau of Labor and Industries or judge.

7 **SECTION 3.** (1)(a) Notwithstanding ORS 254.135, the official general election ballot shall  
8 contain, for each state office in which a candidate is unopposed, an additional line equivalent  
9 to the line on which the candidate’s name appears. The line shall read “None of the above”  
10 and permit the elector to express a choice of that line in the same manner as the elector  
11 would cast a vote for a candidate.

12 (b) The voters’ pamphlet and any instructions included with the ballot shall clearly ex-  
13 plain that an elector may select the “None of the above” option only if the elector has not  
14 voted for a listed candidate or for a write-in candidate for the office.

15 (2) Notwithstanding ORS 254.495, 254.500 or 254.555, if the “None of the above” option  
16 described in subsection (1) of this section receives more votes for a state office than does  
17 the listed candidate and any write-in candidate, the election for the state office that was held  
18 at the general election is void and a new election for the state office shall be held at a special  
19 election in the manner described in subsection (3) of this section.

20 (3) If the Secretary of State determines that a special election is required under sub-  
21 section (2) of this section, the secretary shall issue an order calling the special election. A  
22 special election ordered under this section shall be conducted in the manner described in  
23 ORS 254.655 and 254.660, except that:

24 (a) Notwithstanding ORS 249.016 to 249.205 or 249.712 to 249.850, the secretary by rule  
25 shall establish a process for an eligible elector who was not a candidate for the state office  
26 at the general election to become a candidate for the state office at the special election; and

27 (b) The candidates listed on the ballot at the special election shall be:

28 (A) The candidate who was listed on the general election ballot; and

29 (B) Any eligible electors who satisfy the process established by the secretary under par-  
30 agraph (a) of this subsection.

31 (4) As used in this section, “state office” means the office of Governor, Secretary of  
32 State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Indus-  
33 tries, state Senator, state Representative or judge.

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