

**A-Engrossed**  
**Senate Bill 1527**

Ordered by the Senate February 11  
Including Senate Amendments dated February 11

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Rules and Executive Appointments)

**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.

Corrects statutory reference from "return identification envelope" to "secrecy envelope."

**Allows Secretary of State to send recount notice by electronic mail.**

**Extends deadline for recall petition to be filed from 100th day after filing prospective petition to 120th day.**

**Extends deadline for filing officer to verify recall petition signatures from 10 days to 30 days.**

**Extends deadline by which Secretary of State or Attorney General must notify subjects that complaint has been filed from 48 hours to three business days.**

**Extends deadline for when recount demand and supplemental demand must be filed to align with current statute.**

**Extends deadline for individuals nominated or elected by write-in votes to respond to nomination or election to align with current statute.**

**Allows filing officers to send notice to write-in candidates by electronic mail only.**

**Extends deadlines for precinct committeeperson elections to align with current statute.**

**Updates term of office of precinct committeeperson to align with current statute.**

**Requires Secretary of State to ensure that county election officials conduct election recounts in manner that is consistent, transparent, accurate and pursuant to all applicable laws in recounts conducted in statewide ballot measures or involving nomination or election of listed public offices.**

**Requires county clerk to provide notice to Secretary of State of date, time and location of recount and information regarding all aspects of recount process.**

**Requires Secretary of State to ensure consistency in recount processes across counties involved in recount to extent practicable and to be responsible for certification of results of election or nomination.**

**A BILL FOR AN ACT**

1  
2 Relating to elections; amending ORS 248.015, 248.023, 249.875, 254.458, 254.548, 258.150, 258.161,  
3 258.190 and 260.345.

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

5 **SECTION 1.** ORS 254.458 is amended to read:

6 254.458. (1) Notwithstanding any provision of ORS 254.470:

7 (a) A county clerk may apply to the Secretary of State for approval of any procedure to be used  
8 in lieu of the [*return identification*] **secrecy** envelope procedures described in ORS 254.470; and

9 (b) Upon receiving an application under paragraph (a) of this subsection, the secretary may ap-  
10 prove a procedure to be used in lieu of the [*return identification*] **secrecy** envelope procedures de-  
11 scribed in ORS 254.470 if the secretary determines that the procedure will provide substantially the  
12 same degree of secrecy as ORS 254.470.

13 (2) A procedure approved by the secretary under this section must comply with the prohibitions  
14 set forth in ORS 254.470 (13).

**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        **SECTION 2.** ORS 258.190 is amended to read:

2        258.190. (1) After a recount demand is filed, the Secretary of State shall direct the official who  
3 conducted the election or the clerk of any county containing precincts in which ballots were cast  
4 on the measure or for the nomination or office specified in the demand for a recount to conduct a  
5 recount in the precincts specified in the demand.

6        (2) If the demand for a recount of votes cast for a nomination or office is filed, the Secretary  
7 of State, not later than the third day after the filing of the first demand, shall notify the affected  
8 candidates **that a recount is to be made in the precincts specified in the demand. The notice**  
9 **shall be sent by electronic mail or, if an electronic mail address for the affected candidate**  
10 **is unavailable**, by certified or registered mail [*that a recount is to be made in the precincts specified*  
11 *in the demand*].

12        (3) The official who is to conduct the recount, within a reasonable time before the recount, shall  
13 notify the affected candidates or the individual filing the demand for recount for a measure of the  
14 date, time and place of the recount.

15        **SECTION 3.** ORS 249.875 is amended to read:

16        249.875. (1) A recall petition shall be void unless completed and filed not later than the [*100th*]  
17 **120th** day after filing the prospective petition described in ORS 249.865. Not later than the 90th day  
18 after filing the prospective petition the petition shall be submitted to the filing officer who shall  
19 verify the signatures not later than the [*10th*] **30th** day after the submission. The filed petition shall  
20 contain only original signatures. A recall petition shall not be accepted for signature verification if  
21 it contains less than 100 percent of the required number of signatures. The petition shall not be  
22 accepted for filing until 100 percent of the required number of signatures of electors have been  
23 verified.

24        (2) The provisions for verification of signatures on an initiative or referendum petition contained  
25 in ORS 250.105, are applicable to the verification of signatures on a recall petition.

26        **SECTION 4.** ORS 260.345 is amended to read:

27        260.345. (1) Any elector may file with any filing officer a written complaint alleging that a vio-  
28 lation of an election law or rule adopted by the Secretary of State under ORS chapters 246 to 260  
29 has occurred and stating the reason for believing that the violation occurred and any evidence re-  
30 lating to it. A complaint and any evidence relating to it may be filed electronically. A complaint  
31 alleging a violation involving the Secretary of State, a candidate for the office of Secretary of State,  
32 or any political committee or person supporting the Secretary of State or a candidate for the office  
33 of Secretary of State may be filed with the Attorney General. The Secretary of State or Attorney  
34 General shall not accept an anonymous complaint.

35        (2) The Secretary of State by rule shall prescribe the procedure for processing a complaint filed  
36 with any person other than the Secretary of State. If the complaint concerns the Secretary of State,  
37 any candidate for the office of the Secretary of State, or any political committee or person sup-  
38 porting the candidacy of the Secretary of State or of another person for the office of Secretary of  
39 State, the complaint and any additional information relating to the complaint shall be sent to the  
40 Attorney General.

41        (3) Upon receipt of a complaint under subsection (1) or (2) of this section the Secretary of State  
42 or Attorney General immediately shall examine the complaint to determine whether a violation of  
43 an election law or rule has occurred and shall make any investigation the Secretary of State or  
44 Attorney General considers necessary. Except as provided in this subsection, within [*48 hours*] **three**  
45 **business days** of receiving a complaint under subsection (1) or (2) of this section, the Secretary of

1 State or Attorney General shall notify the person who is the subject of the complaint that a com-  
2 plaint has been received. If the Secretary of State or Attorney General receives a complaint or  
3 complaints involving [25] **10** or more individuals, political committees or petition committees in any  
4 [24-hour] **48-hour** period, the Secretary of State or Attorney General need not notify the persons  
5 who are the subjects of those complaints within [48 hours] **three business days** of receiving the  
6 complaints but shall notify those persons not later than 10 business days after receiving the com-  
7 plaint or complaints.

8 (4) If the Secretary of State believes after an investigation under subsection (3) of this section  
9 that a violation of an election law or rule has occurred, the secretary:

10 (a) In the case of a violation that is subject to a penalty under ORS 260.993, immediately shall  
11 report the findings to the Attorney General and request prosecution. If the violation involves the  
12 Attorney General, a candidate for that office or a political committee or person supporting or op-  
13 posing the Attorney General or a candidate for that office, the Secretary of State shall appoint an-  
14 other prosecutor for that purpose;

15 (b) In the case of a violation not subject to a penalty under ORS 260.537 or 260.993, may impose  
16 a civil penalty under ORS 260.995; or

17 (c) In the case of a violation under ORS 260.537, may institute civil proceedings in the manner  
18 described in ORS 260.537.

19 (5) Upon receipt of a complaint or report under subsection (1), (2) or (4) of this section involving  
20 an alleged violation subject to a penalty under ORS 260.993 or an alleged violation of ORS 260.537,  
21 the Attorney General or other prosecutor immediately shall examine the complaint or report to de-  
22 termine whether a violation of an election law has occurred. If the Attorney General or prosecutor  
23 determines that a violation has occurred, the Attorney General or prosecutor immediately shall be-  
24 gin prosecution or civil proceedings in the name of the state. The Attorney General or other  
25 prosecutor shall have the same powers in any county of this state as the district attorney for the  
26 county.

27 (6) Upon receipt of a complaint under subsection (1) or (2) of this section involving an alleged  
28 violation of an election law or rule not subject to a penalty under ORS 260.537 or 260.993, the At-  
29 torney General shall examine the complaint to determine whether a violation of an election law or  
30 rule has occurred and shall make any investigation the Attorney General considers necessary. If the  
31 Attorney General believes after an investigation that a violation of an election law or rule has oc-  
32 curred, the Attorney General may impose a civil penalty under ORS 260.995.

33 (7) In the case of an alleged violation subject to a civil penalty under ORS 260.995 or an alleged  
34 violation of ORS 260.537, a complaint shall be filed by an elector under this section no later than  
35 90 days following the election at which a violation of an election law or rule is alleged to have oc-  
36 curred, or 90 days following the date the violation of an election law or rule is alleged to have oc-  
37 curred, whichever is later.

38 (8) A filing officer having reason to believe that a violation of an election law or rule has oc-  
39 curred shall proceed promptly as though the officer had received a complaint. Except as provided  
40 in ORS 260.234, a filing officer shall proceed under this subsection no later than two years following  
41 the election at which a violation of an election law or rule is alleged to have occurred, or two years  
42 following the date the violation of an election law or rule is alleged to have occurred, whichever is  
43 later. If a filing officer has not proceeded within two years because of fraud, deceit, misleading  
44 representation or the filing officer could not have reasonably discovered the alleged violation, the  
45 filing officer shall proceed no later than five years following the election at which a violation of an

1 election law or rule is alleged to have occurred, or five years following the date the violation of an  
 2 election law or rule is alleged to have occurred, whichever is later.

3 **SECTION 5.** ORS 258.161 is amended to read:

4 258.161. (1) A candidate or an officer of a political party on behalf of a candidate of the political  
 5 party may file a demand requiring the Secretary of State to direct that a recount be made in spec-  
 6 ified precincts in which votes were cast for the nomination or office for which the candidate re-  
 7 ceived a vote.

8 (2) An elector may file a demand requiring the Secretary of State to direct that a recount be  
 9 made in specified precincts in which votes were cast on any measure which appeared on the ballot.

10 (3) A county clerk may file a demand requiring the Secretary of State to direct that a recount  
 11 be made in specified precincts in which votes were cast for the nomination or office for which a  
 12 candidate received a vote or on any measure that appeared on the ballot. The cash deposit re-  
 13 quirement of subsection (5) of this section shall not apply to a demand made under this subsection.  
 14 The cost of a recount conducted under this subsection shall be paid by the county of the county  
 15 clerk making the demand.

16 (4) Except as provided in subsection (9) of this section, the person making a demand for a re-  
 17 count may, in the first demand, specify a partial or a full recount. A person making a demand for  
 18 a partial recount shall specify the precincts in which votes were cast for the nomination or office  
 19 or on the measure to be recounted. If in the first demand the person requested a partial recount,  
 20 the person may file a supplemental demand for a recount of all the remainder of the precincts.

21 (5) Except as provided in subsections (3) and (6) of this section, each demand shall be accom-  
 22 panied by a cash deposit of \$15 for each precinct to be recounted up to a maximum of \$8,000 for a  
 23 recount of all precincts in the state on a measure or for a nomination or office. The Secretary of  
 24 State may retain the deposit for not more than 60 days after the election for which the recount was  
 25 demanded, without depositing it in the General Fund.

26 (6) Upon application from a county clerk, the Secretary of State may waive the cash deposit  
 27 requirement of subsection (5) of this section if, after the first demand, it appears that due to  
 28 nondeliberate and material error by a local elections official, as defined in ORS 246.012, or a county  
 29 clerk, the outcome of an election on a candidate or measure will be changed. The cost of a recount  
 30 conducted under this subsection shall be paid by the county of the county clerk or the county of the  
 31 local elections official who committed the error.

32 (7) Each demand shall be in the form and shall contain the information prescribed by the Sec-  
 33 retary of State, including the names and addresses of all persons and organizations providing any  
 34 part of the cash deposit and the amount provided by each.

35 (8) Except as provided in subsection (9) of this section, the first demand shall be filed in the  
 36 office of the Secretary of State not later than the [35th] **42nd** day and a supplemental demand not  
 37 later than the [45th] **52nd** day after the date of the election in which votes were cast for the nomi-  
 38 nation, office or measure.

39 (9) A demand for a recount made under this section on behalf of the electors of presidential and  
 40 vice presidential candidates shall be for a full recount only and shall be filed no later than five  
 41 business days after the Secretary of State declares the result of the election under ORS 254.555.

42 **SECTION 6.** ORS 254.548 is amended to read:

43 254.548. (1) An individual nominated or elected to a public office by write-in votes shall sign and  
 44 file a form indicating that the individual accepts the nomination or office before the filing officer  
 45 may issue a certificate of nomination or election. The Secretary of State by rule shall prescribe the

1 form to be used under this section.

2 (2) In the case of an individual nominated or elected by write-in votes to a public office:

3 (a) Not later than the [39th] **38th** day after the election, the filing officer shall:

4 (A) Prepare and deliver by regular mail the form described in subsection (1) of this section to  
5 the individual; [and] **or**

6 (B) If the filing officer has the electronic mail address of the individual, prepare and deliver by  
7 electronic mail the form described in subsection (1) of this section to the individual;

8 (b) Not later than the [41st] **43rd** day after the election, if the individual accepts the nomination  
9 or office, the individual shall sign and file the form with the filing officer; and

10 (c) Not later than the 45th day after the election, if the individual files the form by the deadline  
11 specified in paragraph (b) of this subsection, the filing officer shall prepare and deliver a certificate  
12 of nomination or election to the individual and, if applicable, issue a proclamation declaring the  
13 election of the candidate to the office.

14 **SECTION 7.** ORS 248.023 is amended to read:

15 248.023. (1) Not later than the [20th] **27th** day after a primary election, the county elections of-  
16 ficial shall mail a certificate of election to each newly elected precinct committeeperson within the  
17 county. The county elections official also shall mail an "Acceptance of Office" form to each person  
18 elected by write-in votes to the office of precinct committeeperson who was nominated under ORS  
19 248.021. The form shall include a statement to be signed by the person elected that the person is  
20 qualified to hold the office.

21 (2) A person elected by write-in votes to the office of precinct committeeperson shall be certified  
22 for the office by filing with the county elections official, not later than the [27th] **33rd** day after the  
23 date of the primary election, a signed "Acceptance of Office" form.

24 (3) Not later than the [31st] **35th** day after a primary election, the county elections official shall  
25 prepare, maintain and furnish to the chairpersons of the respective retiring county central commit-  
26 tees within the county and the chairpersons of the state central committees, a list of the party  
27 precinct committeepersons elected and certified. At the same time the county elections official shall  
28 declare the other offices of precinct committeeperson vacant.

29 **SECTION 8.** ORS 248.015 is amended to read:

30 248.015. (1) A precinct committeeperson shall be a representative of the major political party in  
31 the precinct. At the primary election a major political party shall elect from its members a precinct  
32 committeeperson for every 250 electors, or major fraction thereof, who are registered in the precinct  
33 251 days before the primary election. In any event the political party members of a precinct shall  
34 be entitled to elect not less than two committeepersons in the precinct. A person may not hold office  
35 as precinct committeeperson in more than one precinct.

36 (2) A member of a major political party who meets the party membership requirements set forth  
37 in ORS 249.046 may become a candidate for precinct committeeperson of the precinct in which the  
38 person is registered, of a precinct within the same county adjoining that precinct or of a precinct  
39 that is both in the same county and state Representative district as the precinct in which the person  
40 is registered, by filing a declaration of candidacy described in ORS 249.031, except as provided in  
41 subsection (3) of this section.

42 (3) ORS 249.031 (1)(i) does not apply to declarations of candidacy for candidates for precinct  
43 committeeperson.

44 (4) A member of the major political party who has been a member of that party for 180 days  
45 before the primary election may be elected by write-in votes as precinct committeeperson of the

1 precinct in which the member is registered, of a precinct within the same county adjoining that  
2 precinct or of a precinct that is both in the same county and state Representative district as the  
3 precinct in which the person is registered. A member elected by write-in votes must meet the re-  
4 quirements for write-in candidates set forth in this section and ORS 248.019 or 248.021.

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

7 (6) The term of office of a precinct committeeperson is from the [24th] **35th** day after the date  
8 of the primary election until the [24th] **35th** day after the date of the next following primary  
9 election.

10 (7) A precinct committeeperson is not considered a public officer.

11 **SECTION 9.** ORS 258.150 is amended to read:

12 258.150. (1) The Secretary of State shall be responsible for [insuring] **ensuring** that the proce-  
13 dures to be used in conducting election recounts assure an accurate recount in the shortest time  
14 at the least expense. Whenever demands are filed for a recount of a vote for both a measure and a  
15 nomination or office, or for more than one measure, nomination or office, the Secretary of State may  
16 determine the most appropriate procedure to be used in conducting the recounts simultaneously.

17 **(2)(a) In all election recounts for the office of President and Vice-President of the United**  
18 **States, United States Senate, United States House of Representatives, Governor, Secretary**  
19 **of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and In-**  
20 **dustry, Supreme Court, Court of Appeals, Oregon Tax Court, Circuit Court, Oregon Senate,**  
21 **Oregon House of Representatives and statewide measures, the Secretary of State shall en-**  
22 **sure that county elections officials conduct the recount in a manner that is consistent,**  
23 **transparent, accurate and in accordance with all applicable laws.**

24 **(b) The county clerk in each county involved in a recount described in paragraph (a) of**  
25 **this subsection shall provide notice to the Secretary of State of the date, time and location**  
26 **of the recount and information regarding all aspects of the recount process, including:**

- 27 **(A) The appointment of counting boards;**  
28 **(B) The conditions for recount observers;**  
29 **(C) The manner in which voter intent is determined; and**  
30 **(D) The counting of ballots.**

31 **(c) The Secretary of State shall review the notices and actual recount processes de-**  
32 **scribed in paragraph (b) of this subsection to ensure consistency across counties involved in**  
33 **the recount to the degree reasonably practicable. The Secretary of State shall be responsible**  
34 **for the certification of the results of the election or nomination as reported by the county**  
35 **clerks in the counties involved in the recount.**

36 **(d) The Secretary of State may adopt rules necessary to implement this subsection.**  
37