

Requested by SENATE COMMITTEE ON RULES

**PROPOSED AMENDMENTS TO
SENATE BILL 1527**

1 In line 2 of the printed bill, delete “254.458” and insert “248.015, 248.023,
2 249.875, 254.458, 254.548, 258.150, 258.161, 258.190 and 260.345”.

3 After line 13, insert:

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

5 “258.190. (1) After a recount demand is filed, the Secretary of State shall
6 direct the official who conducted the election or the clerk of any county
7 containing precincts in which ballots were cast on the measure or for the
8 nomination or office specified in the demand for a recount to conduct a re-
9 count in the precincts specified in the demand.

10 “(2) If the demand for a recount of votes cast for a nomination or office
11 is filed, the Secretary of State, not later than the third day after the filing
12 of the first demand, shall notify the affected candidates **that a recount is**
13 **to be made in the precincts specified in the demand. The notice shall**
14 **be sent by electronic mail or, if an electronic mail address for the af-**
15 **ected candidate is unavailable,** by certified or registered mail [*that a re-*
16 *count is to be made in the precincts specified in the demand*].

17 “(3) The official who is to conduct the recount, within a reasonable time
18 before the recount, shall notify the affected candidates or the individual fil-
19 ing the demand for recount for a measure of the date, time and place of the
20 recount.

21 **“SECTION 3.** ORS 249.875 is amended to read:

1 “249.875. (1) A recall petition shall be void unless completed and filed not
2 later than the [100th] **120th** day after filing the prospective petition described
3 in ORS 249.865. Not later than the 90th day after filing the prospective pe-
4 tition the petition shall be submitted to the filing officer who shall verify
5 the signatures not later than the [10th] **30th** day after the submission. The
6 filed petition shall contain only original signatures. A recall petition shall
7 not be accepted for signature verification if it contains less than 100 percent
8 of the required number of signatures. The petition shall not be accepted for
9 filing until 100 percent of the required number of signatures of electors have
10 been verified.

11 “(2) The provisions for verification of signatures on an initiative or ref-
12 erendum petition contained in ORS 250.105, are applicable to the verification
13 of signatures on a recall petition.

14 “**SECTION 4.** ORS 260.345 is amended to read:

15 “260.345. (1) Any elector may file with any filing officer a written com-
16 plaint alleging that a violation of an election law or rule adopted by the
17 Secretary of State under ORS chapters 246 to 260 has occurred and stating
18 the reason for believing that the violation occurred and any evidence relat-
19 ing to it. A complaint and any evidence relating to it may be filed electron-
20 ically. A complaint alleging a violation involving the Secretary of State, a
21 candidate for the office of Secretary of State, or any political committee or
22 person supporting the Secretary of State or a candidate for the office of
23 Secretary of State may be filed with the Attorney General. The Secretary of
24 State or Attorney General shall not accept an anonymous complaint.

25 “(2) The Secretary of State by rule shall prescribe the procedure for pro-
26 cessing a complaint filed with any person other than the Secretary of State.
27 If the complaint concerns the Secretary of State, any candidate for the office
28 of the Secretary of State, or any political committee or person supporting the
29 candidacy of the Secretary of State or of another person for the office of
30 Secretary of State, the complaint and any additional information relating to

1 the complaint shall be sent to the Attorney General.

2 “(3) Upon receipt of a complaint under subsection (1) or (2) of this section
3 the Secretary of State or Attorney General immediately shall examine the
4 complaint to determine whether a violation of an election law or rule has
5 occurred and shall make any investigation the Secretary of State or Attorney
6 General considers necessary. Except as provided in this subsection, within
7 [48 hours] **three business days** of receiving a complaint under subsection
8 (1) or (2) of this section, the Secretary of State or Attorney General shall
9 notify the person who is the subject of the complaint that a complaint has
10 been received. If the Secretary of State or Attorney General receives a com-
11 plaint or complaints involving [25] **10** or more individuals, political commit-
12 tees or petition committees in any [24-hour] **48-hour** period, the Secretary
13 of State or Attorney General need not notify the persons who are the sub-
14 jects of those complaints within [48 hours] **three business days** of receiving
15 the complaints but shall notify those persons not later than 10 business days
16 after receiving the complaint or complaints.

17 “(4) If the Secretary of State believes after an investigation under sub-
18 section (3) of this section that a violation of an election law or rule has
19 occurred, the secretary:

20 “(a) In the case of a violation that is subject to a penalty under ORS
21 260.993, immediately shall report the findings to the Attorney General and
22 request prosecution. If the violation involves the Attorney General, a candi-
23 date for that office or a political committee or person supporting or opposing
24 the Attorney General or a candidate for that office, the Secretary of State
25 shall appoint another prosecutor for that purpose;

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

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

30 “(5) Upon receipt of a complaint or report under subsection (1), (2) or (4)

1 of this section involving an alleged violation subject to a penalty under ORS
2 260.993 or an alleged violation of ORS 260.537, the Attorney General or other
3 prosecutor immediately shall examine the complaint or report to determine
4 whether a violation of an election law has occurred. If the Attorney General
5 or prosecutor determines that a violation has occurred, the Attorney General
6 or prosecutor immediately shall begin prosecution or civil proceedings in the
7 name of the state. The Attorney General or other prosecutor shall have the
8 same powers in any county of this state as the district attorney for the
9 county.

10 “(6) Upon receipt of a complaint under subsection (1) or (2) of this section
11 involving an alleged violation of an election law or rule not subject to a
12 penalty under ORS 260.537 or 260.993, the Attorney General shall examine
13 the complaint to determine whether a violation of an election law or rule
14 has occurred and shall make any investigation the Attorney General con-
15 siders necessary. If the Attorney General believes after an investigation that
16 a violation of an election law or rule has occurred, the Attorney General
17 may impose a civil penalty under ORS 260.995.

18 “(7) In the case of an alleged violation subject to a civil penalty under
19 ORS 260.995 or an alleged violation of ORS 260.537, a complaint shall be filed
20 by an elector under this section no later than 90 days following the election
21 at which a violation of an election law or rule is alleged to have occurred,
22 or 90 days following the date the violation of an election law or rule is al-
23 leged to have occurred, whichever is later.

24 “(8) A filing officer having reason to believe that a violation of an
25 election law or rule has occurred shall proceed promptly as though the offi-
26 cer had received a complaint. Except as provided in ORS 260.234, a filing
27 officer shall proceed under this subsection no later than two years following
28 the election at which a violation of an election law or rule is alleged to have
29 occurred, or two years following the date the violation of an election law
30 or rule is alleged to have occurred, whichever is later. If a filing officer has

1 not proceeded within two years because of fraud, deceit, misleading repre-
2 sentation or the filing officer could not have reasonably discovered the al-
3 leged violation, the filing officer shall proceed no later than five years
4 following the election at which a violation of an election law or rule is al-
5 leged to have occurred, or five years following the date the violation of an
6 election law or rule is alleged to have occurred, whichever is later.

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

8 “258.161. (1) A candidate or an officer of a political party on behalf of a
9 candidate of the political party may file a demand requiring the Secretary
10 of State to direct that a recount be made in specified precincts in which
11 votes were cast for the nomination or office for which the candidate received
12 a vote.

13 “(2) An elector may file a demand requiring the Secretary of State to di-
14 rect that a recount be made in specified precincts in which votes were cast
15 on any measure which appeared on the ballot.

16 “(3) A county clerk may file a demand requiring the Secretary of State
17 to direct that a recount be made in specified precincts in which votes were
18 cast for the nomination or office for which a candidate received a vote or
19 on any measure that appeared on the ballot. The cash deposit requirement
20 of subsection (5) of this section shall not apply to a demand made under this
21 subsection. The cost of a recount conducted under this subsection shall be
22 paid by the county of the county clerk making the demand.

23 “(4) Except as provided in subsection (9) of this section, the person mak-
24 ing a demand for a recount may, in the first demand, specify a partial or a
25 full recount. A person making a demand for a partial recount shall specify
26 the precincts in which votes were cast for the nomination or office or on the
27 measure to be recounted. If in the first demand the person requested a partial
28 recount, the person may file a supplemental demand for a recount of all the
29 remainder of the precincts.

30 “(5) Except as provided in subsections (3) and (6) of this section, each

1 demand shall be accompanied by a cash deposit of \$15 for each precinct to
2 be recounted up to a maximum of \$8,000 for a recount of all precincts in the
3 state on a measure or for a nomination or office. The Secretary of State may
4 retain the deposit for not more than 60 days after the election for which the
5 recount was demanded, without depositing it in the General Fund.

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

14 “(7) Each demand shall be in the form and shall contain the information
15 prescribed by the Secretary of State, including the names and addresses of
16 all persons and organizations providing any part of the cash deposit and the
17 amount provided by each.

18 “(8) Except as provided in subsection (9) of this section, the first demand
19 shall be filed in the office of the Secretary of State not later than the
20 [35th] **42nd** day and a supplemental demand not later than the [45th] **52nd**
21 day after the date of the election in which votes were cast for the nomi-
22 nation, office or measure.

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

27 **“SECTION 6.** ORS 254.548 is amended to read:

28 “254.548. (1) An individual nominated or elected to a public office by
29 write-in votes shall sign and file a form indicating that the individual ac-
30 cepts the nomination or office before the filing officer may issue a certificate

1 of nomination or election. The Secretary of State by rule shall prescribe the
2 form to be used under this section.

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

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

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

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

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

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

20 “**SECTION 7.** ORS 248.023 is amended to read:

21 “248.023. (1) Not later than the [20th] **27th** day after a primary election,
22 the county elections official shall mail a certificate of election to each newly
23 elected precinct committeeperson within the county. The county elections
24 official also shall mail an ‘Acceptance of Office’ form to each person elected
25 by write-in votes to the office of precinct committeeperson who was nomi-
26 nated under ORS 248.021. The form shall include a statement to be signed
27 by the person elected that the person is qualified to hold the office.

28 “(2) A person elected by write-in votes to the office of precinct com-
29 mitteeperson shall be certified for the office by filing with the county
30 elections official, not later than the [27th] **33rd** day after the date of the

1 primary election, a signed 'Acceptance of Office' form.

2 “(3) Not later than the [31st] **35th** day after a primary election, the county
3 elections official shall prepare, maintain and furnish to the chairpersons of
4 the respective retiring county central committees within the county and the
5 chairpersons of the state central committees, a list of the party precinct
6 committeepersons elected and certified. At the same time the county
7 elections official shall declare the other offices of precinct committeeperson
8 vacant.

9 **“SECTION 8.** ORS 248.015 is amended to read:

10 “248.015. (1) A precinct committeeperson shall be a representative of the
11 major political party in the precinct. At the primary election a major poli-
12 tical party shall elect from its members a precinct committeeperson for every
13 250 electors, or major fraction thereof, who are registered in the precinct 251
14 days before the primary election. In any event the political party members
15 of a precinct shall be entitled to elect not less than two committeepersons
16 in the precinct. A person may not hold office as precinct committeeperson
17 in more than one precinct.

18 “(2) A member of a major political party who meets the party membership
19 requirements set forth in ORS 249.046 may become a candidate for precinct
20 committeeperson of the precinct in which the person is registered, of a pre-
21 cinct within the same county adjoining that precinct or of a precinct that
22 is both in the same county and state Representative district as the precinct
23 in which the person is registered, by filing a declaration of candidacy de-
24 scribed in ORS 249.031, except as provided in subsection (3) of this section.

25 “(3) ORS 249.031 (1)(i) does not apply to declarations of candidacy for
26 candidates for precinct committeeperson.

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

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

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

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

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

12 “**SECTION 9.** ORS 258.150 is amended to read:

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

20 “(2)(a) **In all election recounts for the office of President and Vice-**
21 **President of the United States, United States Senate, United States**
22 **House of Representatives, Governor, Secretary of State, State Treas-**
23 **urer, Attorney General, Commissioner of the Bureau of Labor and**
24 **Industries, Supreme Court, Court of Appeals, Oregon Tax Court, Cir-**
25 **cuit Court, Oregon Senate, Oregon House of Representatives and**
26 **statewide measures, the Secretary of State shall ensure that county**
27 **elections officials conduct the recount in a manner that is consistent,**
28 **transparent, accurate and in accordance with all applicable laws.**

29 “(b) **The county clerk in each county involved in a recount de-**
30 **scribed in paragraph (a) of this subsection shall provide notice to the**

1 **Secretary of State of the date, time and location of the recount and**
2 **information regarding all aspects of the recount process, including:**

3 **“(A) The appointment of counting boards;**

4 **“(B) The conditions for recount observers;**

5 **“(C) The manner in which voter intent is determined; and**

6 **“(D) The counting of ballots.**

7 **“(c) The Secretary of State shall review the notices and actual re-**
8 **count processes described in paragraph (b) of this subsection to ensure**
9 **consistency across counties involved in the recount to the degree rea-**
10 **sonably practicable. The Secretary of State shall be responsible for the**
11 **certification of the results of the election or nomination as reported**
12 **by the county clerks in the counties involved in the recount.**

13 **“(d) The Secretary of State may adopt rules necessary to implement**
14 **this subsection.”.**

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