

House Bill 2004

Sponsored by Representatives RAYFIELD, FAHEY, REYNOLDS, MARSH, Senator SOLLMAN; Representative PHAM K, Senators DEMBROW, GOLDEN (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**.

Establishes ranked choice voting as voting method for selecting winner of nomination for and election to offices of President of United States, United States Senator, Representative in Congress, Governor, Secretary of State, State Treasurer and Attorney General.

Authorizes cities, counties, metropolitan service districts and local government and local service districts to elect to use ranked choice voting to nominate or elect candidates for relevant offices.

Moves election for Commissioner of Bureau of Labor and Industries to general election, where election is conducted using ranked choice voting.

A BILL FOR AN ACT

1
2 Relating to ranked choice voting; creating new provisions; and amending ORS 244.050, 249.088,
3 249.091, 254.065 and 254.145.

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

5 **SECTION 1. Sections 2, 3 and 6 of this 2023 Act are added to and made a part of ORS**
6 **chapter 254.**

7 **SECTION 2. (1) Ranked choice voting as conducted in the manner set forth in section 6**
8 **of this 2023 Act shall be used to determine the nomination by a major political party for the**
9 **following offices:**

10 (a) **President of the United States.**

11 (b) **United States Senator and Representative in Congress.**

12 (c) **Governor, Secretary of State, State Treasurer and Attorney General.**

13 (2) **Ranked choice voting as conducted in the manner set forth in section 6 of this 2023**
14 **Act shall be used at the general election to determine election to for the following offices:**

15 (a) **President and Vice President of the United States.**

16 (b) **United States Senator and Representative in Congress.**

17 (c) **Governor, Secretary of State, State Treasurer and Attorney General.**

18 (d) **Commissioner of the Bureau of Labor and Industries.**

19 **SECTION 3. (1) Unless otherwise prohibited by home rule charter:**

20 (a) **A city may use ranked choice voting to determine election to city office.**

21 (b) **A county may use ranked choice voting to determine election to county office.**

22 (c) **A metropolitan service district organized under ORS chapter 268 may use ranked**
23 **choice voting to determine election to office of a metropolitan service district.**

24 (d) **Any local government or local service district as defined in ORS 174.116 may use**
25 **ranked choice voting to determine election to office or offices of the local government or**
26 **local service district.**

27 (2) **Unless otherwise prohibited by home rule charter:**

28 (a) **For any partisan city office, a city may use ranked choice voting to determine the**

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 nomination for that office.

2 (b) For any partisan county office, a county may use ranked choice voting to determine
3 the nomination for that office.

4 (c) For any partisan office that is part of a metropolitan service district organized under
5 ORS chapter 268, the metropolitan service district may use ranked choice voting to deter-
6 mine the nomination for that office.

7 (d) For any partisan office of a local government or local service district as defined in
8 ORS 174.116, the local government or local service district may use ranked choice voting to
9 determine the nomination for that local government or local service district office.

10 (3) This section does not apply to the nomination for or election to any office described
11 in section 2 of this 2023 Act.

12 (4)(a) This section may not be construed to limit or otherwise restrict the authority of
13 any home rule jurisdiction to provide for ranked choice voting conducted in the manner set
14 forth in section 6 of this 2023 Act to determine nomination for or election to any office in
15 that jurisdiction.

16 (b) This section may not be construed to limit or otherwise restrict the authority of any
17 home rule jurisdiction that, on or after November 8, 2016, and prior to the effective date of
18 this 2023 Act, adopted ranked choice voting to determine elections to office or offices of that
19 jurisdiction, to continue to apply ranked choice voting in the manner adopted by the juris-
20 diction.

21 (5) The Secretary of State, in consultation with county clerks and elections officers as
22 defined in ORS 255.005, shall:

23 (a) Adopt rules to implement this section; and

24 (b) Provide formal and informal guidance to cities, counties, metropolitan service dis-
25 tricts organized under ORS chapter 268 and local governments and local service districts as
26 defined in ORS 174.116 regarding the implementation of this section.

27 **SECTION 4.** The Secretary of State shall analyze the election laws of this state to de-
28 termine whether any additional legislation is required to fully authorize cities, counties,
29 metropolitan service districts organized under ORS chapter 268 and local governments and
30 local service districts as defined in ORS 174.116 to nominate or elect candidates by ranked
31 choice voting. The secretary shall submit a report in the manner provided by ORS 192.245,
32 and may include recommendations for legislation, to the interim committees of the Legisla-
33 tive Assembly related to elections no later than September 15, 2024.

34 **SECTION 5.** Section 4 of this 2023 Act is repealed on January 2, 2025.

35 **SECTION 6.** (1) When a nomination for or an election to an office is determined by
36 ranked choice voting, the winner of the nomination or election shall be determined in the
37 manner set forth in this section.

38 (2)(a) The ballot shall provide the elector the option to rank the candidates for the
39 nomination for or election to the office in order of choice.

40 (b) If a candidate receives a majority of the first choice votes cast for the nomination for
41 or election to the office, that candidate is nominated or elected.

42 (c) If no candidate receives a majority of the first choice votes cast for the nomination
43 for or election to the office, the vote tally system or counting board shall conduct successive
44 rounds of an instant runoff retabulation in which:

45 (A) The candidate with the fewest votes in each round in which no candidate receives a

1 majority of the votes cast in that round is defeated, and the votes cast in the successive
 2 rounds shall be retabulated among the nondefeated candidates until one candidate receives
 3 a majority of the votes cast in that round.

4 (B) In each round, each elector’s ballot shall count as a single vote for whichever candi-
 5 date, if any, the elector has ranked highest who has not been defeated in a prior round.

6 (C) After the first round, a majority is determined as at least one more than 50 percent
 7 of the votes cast for a candidate of the remaining candidates in a particular round.

8 (3) Notwithstanding subsection (2) of this section and except as otherwise expressly pro-
 9 vided by law, when an election to an office is determined by ranked choice voting, and more
 10 than one person is to be elected to a single office, the people elected to the office shall be
 11 determined by a proportional methodology adopted by rule by the Secretary of State. Any
 12 rules adopted under this subsection shall provide that candidates are elected to office on the
 13 basis of thresholds determined by the number of people to be elected to the single office.

14 (4) This section may not be interpreted to preclude or otherwise restrict or limit a major
 15 political party from selecting delegates for President of the United States according to party
 16 rules that are not inconsistent with the ORS chapter 248.

17 (5) The Secretary of State, in consultation with county clerks and elections officers as
 18 defined in ORS 255.005, shall adopt rules necessary for the implementation of this section.
 19 Prior to adopting rules relating to the nomination of candidates for President of the United
 20 States, the secretary shall also consult with, and receive input from, the Oregon chairperson
 21 from each major political party.

22 **SECTION 7.** Section 8 of this 2023 Act is added to and made a part of ORS chapter 249.

23 **SECTION 8.** (1) Notwithstanding ORS 249.016 or any other provision of law:

24 (a) There may not be a nominating election for the office of Commissioner of the Bureau
 25 of Labor and Industries; and

26 (b) The office of Commissioner of the Bureau of Labor and Industries shall be elected at
 27 the general election by ranked choice voting conducted in the manner set forth in section 6
 28 of this 2023 Act.

29 (2) Notwithstanding ORS 249.037, a nominating petition or declaration of candidacy for a
 30 candidate for the office of Commissioner of the Bureau of Labor and Industries shall be filed
 31 not sooner than the 250th day and not later than the 70th day before the date of the general
 32 election.

33 (3) Except as otherwise expressly provided by law or this section, the requirements of
 34 ORS 249.016 to 249.205 apply to candidates for the office of Commissioner of the Bureau of
 35 Labor and Industries.

36 **SECTION 9.** ORS 254.065 is amended to read:

37 254.065. (1)(a) Except as provided in paragraph (b) of this subsection, when one person is
 38 to be nominated for or elected to an office, the person receiving the highest number of votes shall
 39 be nominated or elected. Except as provided in paragraph (c) of this subsection, when more than
 40 one person is to be nominated for or elected to a single office, the persons receiving the higher
 41 number of votes shall be nominated or elected. This subsection does not apply to a candidate for
 42 election to an office at a general election if the election for the office must be held at a special
 43 election as described in ORS 254.650.

44 (b)(A) Except as otherwise provided in this paragraph, when a nomination for or election
 45 to an office is determined by ranked choice voting, a determination of which person has re-

1 **ceived the highest number of votes shall be done in the manner set forth in section 6 of this**
 2 **2023 Act.**

3 **(B) When the election of President and Vice President of the United States is determined**
 4 **by ranked choice voting, all official publications shall state the final round votes received by**
 5 **each group of candidates for the offices of President and Vice President of the United States**
 6 **that received votes in the final round of statewide tabulation.**

7 **(c) If the National Popular Vote interstate compact set forth in section 1, chapter 356,**
 8 **Oregon Laws 2019, becomes operative, the determination of how many votes are received by**
 9 **each group of candidates for the offices of President and Vice President of the United States**
 10 **shall be determined in accordance with the compact.**

11 (2) No measure shall be adopted unless it receives an affirmative majority of the total votes cast
 12 on the measure. If two or more conflicting laws, or amendments to the Constitution or charter, are
 13 approved at the same election, the law, or amendment, receiving the greatest number of affirmative
 14 votes shall be paramount regarding each conflict, even though the law, or amendment, may not have
 15 received the greatest majority of affirmative votes.

16 **SECTION 10.** ORS 254.145 is amended to read:

17 254.145. (1)(a) Except as provided in paragraph (b) of this subsection, the names of candidates
 18 for nomination for or election to each office shall be arranged on the ballot in the order determined
 19 under ORS 254.155.

20 (b) The names of candidates for the offices of President and Vice President of the United States
 21 shall be arranged in groups.

22 (2) Except as provided in ORS 254.125 and 254.135 and this section, no information about the
 23 candidate, including any title or designation, other than the candidate's name, may appear on the
 24 ballot.

25 (3) Spaces shall be provided for any offices appearing on the ballot in which the elector may
 26 write the name of any person not printed on the ballot. If a voting machine is used, spaces shall be
 27 provided on the ballot, or on separate material delivered to the elector with the ballot, in which the
 28 elector may write or enter the names of persons for any offices appearing on the ballot.

29 (4) On the left margin of the ballot, the name of each group or candidate may be numbered. The
 30 blank spaces may not be numbered. A particular number may not be used to designate more than
 31 one candidate at any election.

32 (5) The names of all candidates for the same office shall be listed in the same column on the
 33 ballot. If more than one column is needed to list names of all candidates for that office, the names
 34 may be arranged in one or more columns in block form. The block shall be set apart by rulings
 35 under the title of the office. If a blank space follows the list of candidates, the space shall be in the
 36 same column as the names of candidates for that office. If blocks of columns are used, blank spaces
 37 shall be included within the ruled block.

38 (6) The ballot shall be clearly marked to indicate when names of candidates for the office are
 39 continued on the following page.

40 (7) When a measure is submitted to the people, the number, ballot title and financial estimates
 41 under ORS 250.125 of each measure shall be printed after the list of candidates. A measure referred
 42 by the Legislative Assembly shall be designated "Referred to the People by the Legislative Assem-
 43 bly." A state measure referred by petition shall be designated "Referendum Order by Petition of the
 44 People." A state measure proposed by initiative petition shall be designated "Proposed by Initiative
 45 Petition."

1 (8) The ballot shall be printed to give the elector a clear opportunity to designate the elector's
 2 choice **or choices** for candidates and approval or rejection of measures submitted.

3 **(9) When an elector is allowed to make only one choice or answer and** if a voting machine
 4 is not used, the elector shall indicate a preference by making a cross or check mark inside a voting
 5 square corresponding to the candidate or answer for which the elector wishes to vote. A voting
 6 square may be printed on the blank, write-in vote spaces. However, the elector is not required to
 7 place a mark in the voting square corresponding to a name written in a blank space. Words shall
 8 be printed on the ballot to aid the elector, such as "Vote for one," "Vote for three," and regarding
 9 measures, "Yes" and "No."

10 **(10) When a nomination for or an election to an office is determined by ranked choice**
 11 **voting as provided in section 6 of this 2023 Act, the ballot shall provide the elector with the**
 12 **ability to rank each candidate appearing on the ballot for the office by choice. The Secretary**
 13 **of State by rule shall establish a statement to be printed on the ballot to inform the elector**
 14 **of how ballots will be tallied under section 6 of this 2023 Act.**

15 **SECTION 11.** ORS 244.050, as amended by section 1, chapter 66, Oregon Laws 2022, is amended
 16 to read:

17 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
 18 Government Ethics Commission a verified statement of economic interest as required under this
 19 chapter:

20 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the
 21 Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

22 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem
 23 judicial officer who does not otherwise serve as a judicial officer.

24 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

25 (d) The Deputy Attorney General.

26 (e) The Deputy Secretary of State.

27 (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the
 28 Legislative Policy and Research Director, the Secretary of the Senate, the Chief Clerk of the House
 29 of Representatives and the Legislative Equity Officer.

30 (g) The president and vice presidents, or their administrative equivalents, in each public uni-
 31 versity listed in ORS 352.002.

32 (h) The following state officers:

33 (A) Adjutant General.

34 (B) Director of Agriculture.

35 (C) Manager of State Accident Insurance Fund Corporation.

36 (D) Water Resources Director.

37 (E) Director of the Department of Environmental Quality.

38 (F) Director of the Oregon Department of Administrative Services.

39 (G) State Fish and Wildlife Director.

40 (H) State Forester.

41 (I) State Geologist.

42 (J) Director of Human Services.

43 (K) Director of the Department of Consumer and Business Services.

44 (L) Director of the Department of State Lands.

45 (M) State Librarian.

- 1 (N) Administrator of the Oregon Liquor and Cannabis Commission.
- 2 (O) Superintendent of State Police.
- 3 (P) Director of the Public Employees Retirement System.
- 4 (Q) Director of Department of Revenue.
- 5 (R) Director of Transportation.
- 6 (S) Public Utility Commissioner.
- 7 (T) Director of Veterans' Affairs.
- 8 (U) Executive director of Oregon Government Ethics Commission.
- 9 (V) Director of the State Department of Energy.
- 10 (W) Director and each assistant director of the Oregon State Lottery.
- 11 (X) Director of the Department of Corrections.
- 12 (Y) Director of the Oregon Department of Aviation.
- 13 (Z) Executive director of the Oregon Criminal Justice Commission.
- 14 (AA) Director of the Oregon Business Development Department.
- 15 (BB) Director of the Oregon Department of Emergency Management.
- 16 (CC) Director of the Employment Department.
- 17 (DD) State Fire Marshal.
- 18 (EE) Chief of staff for the Governor.
- 19 (FF) Director of the Housing and Community Services Department.
- 20 (GG) State Court Administrator.
- 21 (HH) Director of the Department of Land Conservation and Development.
- 22 (II) Board chairperson of the Land Use Board of Appeals.
- 23 (JJ) State Marine Director.
- 24 (KK) Executive director of the Oregon Racing Commission.
- 25 (LL) State Parks and Recreation Director.
- 26 (MM) Public defense services executive director.
- 27 (NN) Chairperson of the Public Employees' Benefit Board.
- 28 (OO) Director of the Department of Public Safety Standards and Training.
- 29 (PP) Executive director of the Higher Education Coordinating Commission.
- 30 (QQ) Executive director of the Oregon Watershed Enhancement Board.
- 31 (RR) Director of the Oregon Youth Authority.
- 32 (SS) Director of the Oregon Health Authority.
- 33 (TT) Deputy Superintendent of Public Instruction.
- 34 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within
35 the Governor's office.
- 36 (j) Every elected city or county official.
- 37 (k) Every member of a city or county planning, zoning or development commission.
- 38 (L) The chief executive officer of a city or county who performs the duties of manager or prin-
39 cipal administrator of the city or county.
- 40 (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 41 (n) Every member of a governing body of a metropolitan service district and the auditor and
42 executive officer thereof.
- 43 (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 44 (p) The chief administrative officer and the financial officer of each common and union high
45 school district, education service district and community college district.

- 1 (q) Every member of the following state boards, commissions and councils:
2 (A) Governing board of the State Department of Geology and Mineral Industries.
3 (B) Oregon Business Development Commission.
4 (C) State Board of Education.
5 (D) Environmental Quality Commission.
6 (E) Fish and Wildlife Commission of the State of Oregon.
7 (F) State Board of Forestry.
8 (G) Oregon Government Ethics Commission.
9 (H) Oregon Health Policy Board.
10 (I) Oregon Investment Council.
11 (J) Land Conservation and Development Commission.
12 (K) Oregon Liquor and Cannabis Commission.
13 (L) Oregon Short Term Fund Board.
14 (M) State Marine Board.
15 (N) Mass transit district boards.
16 (O) Energy Facility Siting Council.
17 (P) Board of Commissioners of the Port of Portland.
18 (Q) Employment Relations Board.
19 (R) Public Employees Retirement Board.
20 (S) Oregon Racing Commission.
21 (T) Oregon Transportation Commission.
22 (U) Water Resources Commission.
23 (V) Workers' Compensation Board.
24 (W) Oregon Facilities Authority.
25 (X) Oregon State Lottery Commission.
26 (Y) Pacific Northwest Electric Power and Conservation Planning Council.
27 (Z) Columbia River Gorge Commission.
28 (AA) Oregon Health and Science University Board of Directors.
29 (BB) Capitol Planning Commission.
30 (CC) Higher Education Coordinating Commission.
31 (DD) Oregon Growth Board.
32 (EE) Early Learning Council.
33 (FF) The Oversight and Accountability Council.
34 (r) The following officers of the State Treasurer:
35 (A) Deputy State Treasurer.
36 (B) Chief of staff for the office of the State Treasurer.
37 (C) Director of the Investment Division.
38 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
39 or 777.915 to 777.953.
40 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
41 (u) Every member of a governing board of a public university listed in ORS 352.002.
42 (v) Every member of the district school board of a common school district or union high school
43 district.
44 (w) Every member of the board of directors of an authority created under ORS 465.600 to
45 465.621.

1 (2) By April 15 next after the date an appointment takes effect, every appointed public official
 2 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
 3 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
 4 and 244.090.

5 (3) By April 15 next after the filing deadline for the primary election, each candidate described
 6 in subsection (1) of this section **who will appear on a primary election ballot** shall file with the
 7 commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

8 (4) Not later than the 40th day before the date of the statewide general election, each candidate
 9 described in subsection (1) of this section who will appear on the statewide general election ballot
 10 and who was not required to file a statement of economic interest under subsections (1) to (3) of this
 11 section shall file with the commission a statement of economic interest as required under ORS
 12 244.060, 244.070 and 244.090.

13 (5) Subsections (1) to (3) of this section apply only to persons who are incumbent, elected or
 14 appointed public officials as of April 15 and to persons who are candidates on April 15.

15 (6) If a statement required to be filed under this section has not been received by the commis-
 16 sion within five days after the date the statement is due, the commission shall notify the public of-
 17 ficial or candidate and give the public official or candidate not less than 15 days to comply with the
 18 requirements of this section. If the public official or candidate fails to comply by the date set by the
 19 commission, the commission may impose a civil penalty as provided in ORS 244.350.

20 **SECTION 12.** ORS 249.088 is amended to read:

21 249.088. (1) Except as provided in ORS 249.091, at the nominating election held on the date of
 22 the primary election:

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

25 (b) If a candidate for nonpartisan office receives a majority of votes cast for the office, that
 26 candidate is elected.

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

28 **(3) This section does not apply to any election to nonpartisan office for which ranked**
 29 **choice voting as conducted in the manner set forth in section 6 of this 2023 Act is used to**
 30 **determine election to the office.**

31 **SECTION 13.** ORS 249.091 is amended to read:

32 249.091. (1) If a nominating petition or declaration of candidacy is filed by no more than two
 33 candidates for the office of sheriff, county treasurer or county clerk or by no more than two candi-
 34 dates to fill a vacancy in a nonpartisan office:

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

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

38 (2) If a nominating petition or declaration of candidacy is filed by more than two candidates for
 39 the office of sheriff, county treasurer or county clerk or by more than two candidates to fill a va-
 40 cancy in a nonpartisan office:

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

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

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

1 **(4) This section does not apply to any election for the office of sheriff, county treasurer**
2 **or county clerk, or to fill a vacancy in nonpartisan office, for which ranked choice voting as**
3 **conducted in the manner set forth in section 6 of this 2023 Act is used to determine election**
4 **to the office.**

5 **SECTION 14. (1) Sections 2, 3, 6 and 8 of this 2023 Act and the amendments to ORS**
6 **244.050, 249.088, 249.091, 254.065 and 254.145 by sections 9 to 13 of this 2023 Act become oper-**
7 **ative, and apply to elections and nominations occurring on or after, January 1, 2026.**

8 **(2) The Secretary of State and county clerks may take any action before the operative**
9 **date specified in subsection (1) of this section that is necessary to enable the Secretary of**
10 **State and county clerks to exercise, on and after the operative date specified in subsection**
11 **(1) of this section, all the duties, functions and powers conferred on the Secretary of State**
12 **and county clerks by sections 2, 3, 6 and 8 of this 2023 Act and the amendments to ORS**
13 **244.050, 249.088, 249.091, 254.065 and 254.145 by sections 9 to 13 of this 2023 Act.**

14
