

Requested by SENATE COMMITTEE ON RULES

**PROPOSED AMENDMENTS TO
SENATE BILL 167**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and delete lines 3 and 4 and insert “247.176, 247.940, 247.948, 247.965,
3 247.967, 249.002, 249.068, 249.740, 250.052, 254.505, 254.529, 254.555, 260.007,
4 260.043, 260.315, 260.345 and 260.555; and declaring an emergency.”.

5 Delete lines 6 through 18 and delete pages 2 through 29 and insert:

6 **“SECTION 1.** ORS 247.176 is amended to read:

7 “247.176. (1) During the period extending from the 250th day before the
8 primary election to the date of the primary election and the period extending
9 from the day after the primary election to the 250th day before the next
10 primary election:

11 “(a) Any [*person*] **individual or entity** may request delivery from the
12 Secretary of State of not more than an aggregate total of [5,000] **500** regis-
13 tration cards prepared under ORS 247.171; and

14 “(b) Upon receiving a request under this subsection, the Secretary of
15 State shall deliver to the [*person*] **individual or entity** the number of reg-
16 istration cards requested that does not exceed an aggregate total of [5,000]
17 **500.**

18 “[*(2) The Secretary of State shall adopt rules describing when the Secretary*
19 *of State will honor requests for delivery of more than 5,000 registration cards*
20 *prepared under ORS 247.171.*]

21 **“(2) An entity may not have more than one individual request reg-**

1 **istration cards on the entity’s behalf under this section.**

2 **“(3) As used in this section, ‘entity’ means a person other than an**
3 **individual.**

4 **“SECTION 2. ORS 247.007 is added to and made a part of ORS**
5 **chapter 254.**

6 **“SECTION 3. ORS 247.948 is amended to read:**

7 “247.948. (1)(a) Except as set forth in ORS 247.965 or 247.967, or as oth-
8 erwise prohibited by law, the following information about an elector con-
9 tained within an elector’s registration file is subject to inspection as a public
10 record under ORS 192.311 to 192.478 and shall be included in lists delivered
11 under ORS 247.940 and 247.945:

12 “(A) The major political party or minor political party, if any, with which
13 an elector is affiliated;

14 “(B) The residence address of an elector;

15 “(C) The address where an elector receives a ballot;

16 “(D) The year in which an elector was born;

17 “(E) The name or number of the precinct in which the elector resides;

18 “(F) The precinct split of an elector;

19 “(G) The administrative number for an elector that is used by the Secre-
20 tary of State to determine which elections an elector may vote in;

21 “(H) The telephone number of an elector;

22 “(I) Whether or not an elector voted in previous elections; and

23 “(J) During an election period, the ballot status of an elector. In order
24 to comply with this subparagraph, during the election period, the secretary
25 shall maintain a list of the ballot status of electors. The secretary shall up-
26 date the list, and make available an updated version of the list, on each
27 business day of the election period.

28 “(b) As used in this subsection:

29 “(A) ‘Ballot status’ means whether or not an elector has cast a ballot in
30 the election;

1 “(B) ‘Election period’ means the period of time beginning on the date that
2 ballots for an election are first mailed to electors and ending on the date of
3 the election; and

4 “(C) ‘Precinct split’ means the enhanced precinct name or number used
5 to determine the specific ballot configuration that will be received by an
6 elector who resides in a precinct that:

7 “(i) Has more than one election district subdivision; and

8 “(ii) Requires more than one ballot configuration for electors in the pre-
9 cinct.

10 “(2) Except as set forth in ORS 247.973 or as otherwise required by law,
11 the following information about an elector contained within an elector’s
12 registration file is not subject to inspection as a public record under ORS
13 192.311 to 192.478 and may not be disclosed by the Secretary of State or a
14 county clerk:

15 “(a) **Information that is required to be kept confidential under ORS**
16 **247.965 or as part of the Address Confidentiality Program under ORS**
17 **192.820 to 192.868;**

18 “[a] (b) The birth month of an elector;

19 “[b] (c) The day of the month on which an elector was born;

20 “[c] (d) The Social Security number of an elector;

21 “[d] (e) The driver license number of an elector; and

22 “[e] (f) The signature of an elector.

23 “(3) Nothing in this section is intended to limit or restrict the disclosure
24 of information that is otherwise subject to inspection as a public record un-
25 der ORS 192.311 to 192.478.

26 “**SECTION 4.** ORS 247.940 is amended to read:

27 “247.940. (1) A major political party qualified under ORS 248.006 or a
28 minor political party qualified under ORS 248.008 may request from the
29 Secretary of State a statewide list of electors, as described in ORS 247.945
30 (4). The list may not contain any information about participants in the Ad-

1 dress Confidentiality Program established under ORS 192.820 to 192.868 or
2 any information that may not be publicly disclosed under ORS 247.948. A
3 major political party or a minor political party may make no more than two
4 separate requests under this subsection per primary election, general election
5 or special election.

6 “(2)(a) A request for a list under subsection (1) of this section must be
7 made:

8 “[a] (A) Not earlier than [six] **three** months before the primary election,
9 general election or special election; and

10 “[b] (B) Not later than the 15th day before the primary election, general
11 election or special election.

12 “(b) **A request for a list under subsection (1) of this section may not**
13 **be made during the period beginning on the date of the primary**
14 **election, general election or special election and ending 14 days after**
15 **the date of the election.**

16 “(3) If the Secretary of State receives a request under subsection (1) of
17 this section, the secretary shall deliver the list not later than 10 days after
18 receiving the request.

19 “(4) The Secretary of State may not charge for preparation or delivery
20 of the list supplied under this section.

21 “**SECTION 5.** ORS 249.002 is amended to read:

22 “249.002. As used in this chapter:

23 “(1) ‘Candidate’ means an individual whose name is or is expected to be
24 printed on the official ballot or a write-in candidate.

25 “(2) ‘County clerk’ means the county clerk or the county official in charge
26 of elections.

27 “(3) ‘Elector’ means an individual qualified to vote under [section 2,] Ar-
28 ticle II, **section 2**, Oregon Constitution.

29 “(4) ‘Judge’ means judge of the Supreme Court, Court of Appeals, circuit
30 court or the Oregon Tax Court[, or any county judge who exercises judicial

1 *functions*].

2 “(5) ‘Member’ means an individual who is registered as being affiliated
3 with the political party.

4 “(6) ‘Minor political party’ means a political party that has qualified as
5 a minor political party under ORS 248.008.

6 “(7) ‘Nonpartisan office’ means the office of judge, Commissioner of the
7 Bureau of Labor and Industries, any elected office of a metropolitan service
8 district under ORS chapter 268, justice of the peace, county clerk, county
9 assessor, county surveyor, county treasurer, **county judge who exercises**
10 **judicial functions**, sheriff, district attorney or any office designated non-
11 partisan by a home rule charter.

12 “(8) ‘Prospective petition’ means the information, except signatures and
13 other identification of petition signers, required to be contained in a com-
14 pleted petition.

15 “(9) ‘Public office’ means any national, state, county, city or district office
16 or position, except a political party office, filled by the electors.

17 “(10) ‘State office’ means Governor, Secretary of State, State Treasurer,
18 Attorney General, Commissioner of the Bureau of Labor and Industries,
19 judge, state Senator, state Representative or district attorney.

20 “**SECTION 6.** ORS 247.965, as amended by section 1, chapter 114, Oregon
21 Laws 2022, is amended to read:

22 “247.965. (1) Any elector may request the county clerk to keep the resi-
23 dence address of the elector **and any family member residing with the**
24 **elector** exempt from disclosure as a public record under ORS 192.311 to
25 192.478.

26 “(2) The county clerk shall keep the residence address of an elector **and**
27 **any family member residing with the elector** exempt from disclosure as
28 a public record under ORS 192.311 to 192.478 if:

29 “(a) The elector making the request demonstrates to the satisfaction of
30 the county clerk that the elector’s personal safety or the safety of any family

1 member residing with the elector is in danger if the elector’s address remains
2 available for public inspection; or

3 “(b) The elector has been identified as an election worker by the Secre-
4 tary of State, county clerk or other public body as defined in ORS 174.109
5 in a manner prescribed by the secretary by rule.

6 “(3) The county clerk shall automatically mail a ballot to an elector
7 whose residence address is exempt from disclosure under this section.

8 “(4) An exemption from disclosure granted under this section shall remain
9 in effect until the elector requests termination of the exemption or the
10 elector is required to update the elector’s registration. If the elector is re-
11 quired to update the elector’s registration, the elector may apply for another
12 exemption from disclosure.

13 “(5) An exemption from disclosure granted under this section includes an
14 exemption from disclosure of the residence address of an elector under ORS
15 247.940 or 247.945.

16 “(6) A county clerk or the Secretary of State shall not be held liable for:

17 “(a) Granting or denying an exemption from disclosure under this section;
18 or

19 “(b) Any unauthorized release of a residence address granted an ex-
20 emption from disclosure under this section.

21 “(7) As used in this section, ‘election worker’ means an individual em-
22 ployed full-time, part-time or as a volunteer:

23 “(a) Who is serving the State of Oregon or any other public body, as de-
24 fined in ORS 174.109, as an elected official, appointed official, employee or
25 agent; and

26 “(b) Whose official duties include carrying out any duty, function or
27 power set forth in ORS chapters 246 to 260.

28 **“SECTION 7.** ORS 247.967 is amended to read:

29 “247.967. Notwithstanding any provision of ORS 192.311 to 192.478:

30 “(1) Except as provided in subsection (3) of this section, the county clerk

1 may disclose the residence address of an elector **and any family member**
2 **residing with the elector** exempt from public disclosure under ORS 247.965
3 if the county clerk receives a court order or a request from any law
4 enforcement agency to disclose the address.

5 “(2) A petition may be filed with the circuit court of the county in which
6 the administrative offices of the county clerk are located requesting disclo-
7 sure of the residence address of any elector exempt from disclosure under
8 ORS 247.965. The petitioner shall have the burden of showing the disclosure
9 would not constitute an unreasonable invasion of privacy.

10 “(3) The county clerk may not disclose the actual address, as defined in
11 ORS 192.820, of an Address Confidentiality Program participant under ORS
12 192.820 to 192.868.

13 **“SECTION 8. Section 9 of this 2023 Act is added to and made a part**
14 **of ORS chapter 250.**

15 **“SECTION 9. (1) The signature of an individual that is submitted**
16 **for verification on a petition or prospective petition that is circulated**
17 **in accordance with the laws of this state is subject to inspection as a**
18 **public record under ORS 192.311 to 192.478. The signature may be in-**
19 **spected in the office of the chief elections officer.**

20 **“(2) The chief elections officer may not make a copy of, or provide**
21 **to another person a copy of, an individual’s signature that has been**
22 **submitted for verification on a petition or prospective petition that**
23 **has been circulated in accordance with the laws of this state unless**
24 **the chief elections officer is explicitly required to do so as part of the**
25 **official duties of the chief elections officer under ORS chapters 246 to**
26 **260 or rules adopted by the Secretary of State.**

27 **“(3) As used in this section, ‘chief elections officer’ has the meaning**
28 **given that term in ORS 254.005.**

29 **“SECTION 10. ORS 260.555 is amended to read:**

30 **“260.555. (1) [No] A person attempting to obtain signatures on, or causing**

1 to be circulated, [*an initiative, referendum or recall petition,*] **a petition or**
2 **prospective petition that is being circulated in accordance with the**
3 **laws of this state may not** [*shall*] knowingly make any false statement re-
4 garding the contents, meaning or effect of the petition **or prospective pe-**
5 **tion** to any person who signs it, attempts to sign it, is requested to sign
6 it or requests information concerning it.

7 “[(2) *No person shall attempt to obtain signatures to, cause to be circulated*
8 *or file with a filing officer, an initiative, referendum or recall petition, know-*
9 *ing it to contain a false signature.*]

10 “[(3) *No person shall attempt to obtain the signature of a person to an in-*
11 *itiative, referendum or recall petition knowing that the person signing the pe-*
12 *tion is not qualified to sign it.*]

13 “[(4) *No person shall knowingly sign an initiative, referendum or recall*
14 *petition more than once, knowingly sign such petition when not qualified to*
15 *sign it, or sign such petition in any name other than the person’s own.*]

16 “(2) **If a person knows that a petition, or prospective petition, that**
17 **is otherwise being circulated in accordance with the laws of this state**
18 **contains a false signature, the person may not attempt to obtain sig-**
19 **natures on, cause to be circulated, or file with a filing officer, the pe-**
20 **tion or prospective petition.**

21 “(3) **If a person knows that another person is not qualified to sign**
22 **a petition or prospective petition that is being circulated in accordance**
23 **with the laws of this state, the person may not attempt to obtain the**
24 **signature of the other person on the petition or prospective petition.**

25 “(4) **A person may not knowingly sign more than once any petition**
26 **or prospective petition that is being circulated in accordance with the**
27 **laws of this state, knowingly sign such petition or prospective petition**
28 **when not qualified to sign it, or sign such petition or prospective pe-**
29 **tion in any name other than the person’s own.**

30 “(5) [*No*] **A public official or employee** [*shall*] **may not** knowingly make

1 a false certification concerning a **petition or prospective petition that is**
2 **circulated in accordance with the laws of this state** [*an initiative, refer-*
3 *endum or recall petition*].

4 **“SECTION 11.** ORS 250.052 is amended to read:

5 “250.052. (1)(a) For each state initiative, referendum or recall petition, the
6 Secretary of State shall prepare official templates of the cover and signature
7 sheets for the petition. Except as provided in this section, templates of cover
8 and signature sheets for state initiative and referendum petitions are subject
9 to the requirements of ORS 250.045. The templates of signature sheets to be
10 used by persons who are being paid to obtain signatures on the petition shall
11 be a different color from the sheets to be used by persons who are not being
12 paid to obtain signatures on the petition.

13 “(b) For each prospective petition for a state measure to be initiated the
14 secretary shall prepare official templates of the cover and signature sheets.
15 The templates of signature sheets to be used by persons who are being paid
16 to obtain signatures on the prospective petition shall be a different color
17 from the sheets to be used by persons who are not being paid to obtain sig-
18 natures on the prospective petition. Each signature sheet for the prospective
19 petition shall:

20 “(A) Contain a notice describing the meaning of the color of the signature
21 sheet; and

22 “(B) If one or more persons will be paid for obtaining signatures of elec-
23 tors on the prospective petition, contain a notice stating: ‘Some Circulators
24 For This Prospective Petition Are Being Paid.’ The notice shall be in bold-
25 faced type and shall be prominently displayed on the sheet.

26 “(2) A person obtaining signatures on a state initiative, referendum or
27 recall petition or a prospective petition for a state measure to be initiated
28 may use only the cover and signature sheets contained in the official tem-
29 plates prepared for the petition or prospective petition. A person who is be-
30 ing paid to obtain signatures on the petition or prospective petition shall

1 use the signature sheet template designated for use by persons being paid to
2 obtain signatures. A person who is not being paid to obtain signatures on
3 the petition or prospective petition shall use the signature sheet template
4 designated for use by persons who are not being paid to obtain signatures.

5 “(3)(a) The secretary shall issue templates for a petition or prospective
6 petition only to a chief petitioner of the petition or prospective petition or
7 to an agent designated by a chief petitioner.

8 “(b) If the ballot title for a state initiative petition has been challenged
9 under ORS 250.085, the secretary may not issue an official template for the
10 initiative petition until the Supreme Court has certified a final ballot title.

11 “(4) The secretary shall issue official templates to a chief petitioner or
12 designated agent not later than:

13 “(a) Three business days after the deadline for filing a petition under ORS
14 250.085 relating to a ballot title certified by the Attorney General for the
15 state initiative petition or, if a petition is filed with the Supreme Court un-
16 der ORS 250.085, three business days after the Supreme Court certifies to the
17 secretary a final ballot title for the state initiative petition;

18 “(b) Three business days after a prospective petition is filed under ORS
19 249.865 or 250.045 for a state recall petition or state referendum petition; or

20 “(c) Three business days after the chief petitioner files a statement with
21 the secretary under ORS 250.045 (2) for a prospective petition for a state
22 measure to be initiated.

23 “(5) The secretary by rule shall establish a process by which a chief
24 petitioner of a state initiative, referendum or recall petition or a prospective
25 petition for a state measure to be initiated may request a modification of the
26 templates issued under subsection (4) of this section.

27 “(6)(a) In addition to the templates prepared under subsections (1) to (5)
28 of this section, for each state initiative, referendum or recall petition or
29 prospective petition, the secretary shall prepare an official electronic tem-
30 plate of a signature sheet for the petition or prospective petition.

1 “(b)(A) A template prepared under this subsection shall provide[:]
2 “[*i*] space for the signature of one elector to:
3 “(i) Signify support for the state initiative, referendum or recall petition
4 or prospective petition; and
5 “(ii) [*Space for the signature of the same elector to*] Certify that the elector
6 received a copy of the electronic signature sheet in compliance with para-
7 graph (c)(B) of this subsection.
8 “(B) The Secretary of State or county clerk may tally only electronic
9 signature sheets that are signed [*in both spaces described in this*
10 *paragraph*].
11 “(c)(A) An elector may print a copy of the electronic signature sheet for
12 a petition or prospective petition, sign the sheet and deliver the signed sheet
13 to a chief petitioner or an agent designated by a chief petitioner.
14 “(B) Only an elector who either has personally printed a copy of the
15 electronic signature sheet of a petition or prospective petition or has re-
16 quested that a separate person print a copy of the electronic signature sheet
17 specifically for the elector may sign the sheet. A copy of an electronic sig-
18 nature sheet may not be signed by an elector who did not either print the
19 sheet or request that the sheet be printed specifically for the elector.
20 “(d) Electronic templates described in this subsection are subject to the
21 requirements of ORS 250.045, other than ORS 250.045 (9) and (10), and the
22 template must include a full and correct copy of the measure to be initiated
23 or referred.
24 “(e) Except as provided in paragraph (c)(B) of this subsection, a person
25 who is obtaining signatures on a petition or prospective petition, whether
26 paid or unpaid, may not provide a printed electronic signature sheet to an
27 elector.
28 “(7) The secretary shall adopt rules prescribing the contents and method
29 of production of official templates required under this section.
30 “**SECTION 12. Section 13 of this 2023 Act is added to and made a**

1 **part of ORS chapter 246.**

2 **“SECTION 13. Notwithstanding any other statute in ORS chapters**
3 **246 to 260, the Secretary of State may by rule alter the specific lan-**
4 **guage required to be written in documents relating to an election,**
5 **provided that the alteration in language does not materially change**
6 **the meaning of the language being altered.**

7 **“SECTION 14. ORS 254.505 is amended to read:**

8 “254.505. (1) Only official ballots may be counted. Any vote from which
9 it is impossible to determine the elector’s choice for the office or measure
10 may not be counted. An elector may not place on the ballot a sticker bearing
11 the name of a person [*or use any other method or device, except writing or*
12 *using a voting machine,*] to vote for a person whose name is not printed on
13 the ballot. Any ballot that has a sticker or other device is void and may not
14 be counted. Counting board clerks shall disregard misspelling or abbrevi-
15 ations of the names of candidates if it can be ascertained from the ballot for
16 whom the vote was intended.

17 “(2) When ballots are counted by counting boards, the board chairperson,
18 using ink, immediately shall initial the back of the wholly or partially void
19 ballot and write on it ‘Not counted for _____’ (stating the office or
20 measure). The counting board shall seal the wholly void ballots in an en-
21 velope.

22 **“SECTION 15. ORS 260.043 is amended to read:**

23 “260.043. (1) A candidate who serves as the candidate’s own treasurer and
24 who expects neither the aggregate contributions to be received nor the ag-
25 gregate expenditures to be made by or on behalf of the candidate to exceed
26 \$750 in total amount during a calendar year is not required to:

27 “(a) File a statement of organization under ORS 260.039;

28 “(b) Establish a single exclusive campaign account under ORS 260.054; or

29 “(c) File statements under ORS 260.057.

30 “(2) A candidate described in subsection (1) of this section must keep

1 contribution and expenditure records for the previous 24 months.

2 “(3)(a) If at any time during the calendar year either the aggregate con-
3 tributions or aggregate expenditures exceed \$750, the candidate must file a
4 statement of organization under ORS 260.039, establish a single exclusive
5 campaign account as required under ORS 260.054 and file statements as re-
6 quired in paragraph (b) of this subsection.

7 “(b)(A) Except as provided in subparagraph (B) of this paragraph, if at
8 any time during the calendar year either the aggregate contributions or ag-
9 gregate expenditures exceed \$750, the candidate must file a statement under
10 ORS 260.057 showing all contributions received and expenditures made. After
11 aggregate contributions or aggregate expenditures exceed \$750 during a cal-
12 endar year, the statement shall be filed under the time frames established in
13 ORS 260.057 (3).

14 “(B) If the candidate expects neither the aggregate contributions to be
15 received nor the aggregate expenditures to be made by or on behalf of the
16 candidate to exceed \$3,500 during the calendar year, the candidate may file
17 a statement to that effect under ORS 260.112, rather than file statements
18 under ORS 260.057. Notwithstanding ORS 260.112 (2), the statement shall
19 be filed not later than seven calendar days after aggregate contributions or
20 aggregate expenditures exceed \$750 during a calendar year.

21 “(4)(a) For purposes of this section, a fee paid under ORS 251.095, a fee
22 **paid for a candidate to be included in a county voters’ pamphlet or de**
23 **minimis costs associated with printing and circulating a petition in**
24 **lieu of a candidate paying a fee for inclusion in a voters’ pamphlet**
25 **[is] are** exempt and may not be considered when calculating:

26 “[a] (A) The expected aggregate amount of contributions received or
27 expenditures made; or

28 “[b] (B) The actual aggregate amount of contributions received or ex-
29 penditures made.

30 “(b) **The Secretary of State by rule shall define ‘de minimis costs’**

1 **for purposes of this subsection.**

2 “(5) This section does not apply to candidates for federal office.

3 **“SECTION 16.** ORS 260.007 is amended to read:

4 “260.007. As used in this chapter, ‘contribute,’ ‘contribution,’ ‘expend’ or
5 ‘expenditure’ does not include:

6 “(1) Any written news story, commentary or editorial distributed through
7 the facilities of any broadcasting station, newspaper, magazine or other reg-
8 ularly published publication, unless a political committee owns the facility.

9 “(2) An individual’s use of the individual’s own personal residence, in-
10 cluding a community room associated with the individual’s residence, to
11 conduct a reception for a candidate or political committee and the
12 individual’s cost of invitations, food and beverages provided at the reception.

13 “(3) A vendor’s sale of food and beverages for use in a candidate’s or
14 political committee’s campaign at a charge less than the normal comparable
15 charge, if the charge is at least equal to the cost of the food or beverages
16 to the vendor.

17 “(4) Any unreimbursed payment for travel expenses an individual, in-
18 cluding a candidate, makes on behalf of a candidate or political committee.

19 “(5) Any loan of money made by a financial institution as defined in ORS
20 706.008, other than any overdraft made with respect to a checking or savings
21 account, if the loan bears the usual and customary interest rate for the cat-
22 egory of loan involved, is made on a basis that ensures repayment, is evi-
23 denced by a written instrument and is subject to a due date or amortization
24 schedule. However, each indorser or guarantor of the loan shall be consid-
25 ered to have contributed that portion of the total amount of the loan for
26 which that person agreed to be liable in a written agreement, except if the
27 indorser or guarantor is the candidate’s spouse.

28 “(6) Nonpartisan activity designed to encourage individuals to vote or to
29 register to vote, including but not limited to activity that is allowed for a
30 not-for-profit corporation that is tax exempt under section 501(c)(3) of the

1 Internal Revenue Code.

2 “(7) Any communication a membership organization or corporation makes
3 to its members, shareholders or employees if the membership organization
4 or corporation is not organized primarily for the purpose of influencing an
5 election.

6 “(8) The payment of compensation for legal and accounting services ren-
7 dered to a candidate or political committee if the person paying for the ser-
8 vices is the regular employer of the individual rendering the services and the
9 services are solely for the purpose of ensuring compliance with the pro-
10 visions of this chapter.

11 “(9) The payment by a state or local committee of a political party of the
12 costs of preparation, display or mailing or other distribution incurred by the
13 committee with respect to a printed slate card or sample ballot, or other
14 printed listing, of three or more candidates for any public office for which
15 an election is held in this state. This subsection does not apply to costs in-
16 curred by the committee with respect to a display of any such listing made
17 on broadcasting stations or in newspapers, magazines or similar types of
18 general public political advertising.

19 “(10) A candidate debate or forum for a state office, or a communication
20 publicizing a candidate debate or forum for a state office, when [*all major*
21 *political party*] candidates for the state office [*have been*] **are** invited to par-
22 ticipate in the candidate debate or forum **based on neutral criteria that**
23 **are publicized in advance of the invitation.**

24 “(11) The following nonpartisan communications that refer to a candidate
25 or political party within 30 calendar days before a primary election or 60
26 calendar days before a general election:

27 “(a) The publication of a nonpartisan voters’ guide that:

28 “(A) Is permitted to be published by a not-for-profit corporation that is
29 tax exempt under section 501(c)(3) of the Internal Revenue Code; or

30 “(B) With respect to each state office referenced in the voters’ guide:

1 “(i) Includes information from all major political party candidates for the
2 state office referenced; or

3 “(ii) Offers all major political party candidates for the state office refer-
4 enced a reasonable opportunity to be included in the voters’ guide.

5 “(b) A commercial communication that depicts a candidate’s name, image,
6 likeness or voice only in the candidate’s capacity as owner, operator or em-
7 ployee of a business that existed prior to the candidate’s declaration of can-
8 didacy.

9 “(c) Official publications produced or distributed by public employees
10 while on the job during working hours.

11 “(d) A communication by a labor union, membership organization or cor-
12 poration to its members, stockholders or executive or administrative person-
13 nel.

14 “(e) Any other nonpartisan communication identified by the Secretary of
15 State by rule.

16 **“SECTION 17.** ORS 260.345, as amended by section 4, chapter 84, Oregon
17 Laws 2022, is amended to read:

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

28 “(2) The Secretary of State by rule shall prescribe the procedure for pro-
29 cessing a complaint filed with any person other than the Secretary of State.
30 If the complaint concerns the Secretary of State, any candidate for the office

1 of the Secretary of State, or any political committee or person supporting the
2 candidacy of the Secretary of State or of another person for the office of
3 Secretary of State, the complaint and any additional information relating to
4 the complaint shall be sent to the Attorney General.

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

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

25 “(a) In the case of a violation that is subject to a penalty under ORS
26 260.993, immediately shall report the findings to the Attorney General and
27 request prosecution. If the violation involves the Attorney General, a candi-
28 date for that office or a political committee or person supporting or opposing
29 the Attorney General or a candidate for that office, the Secretary of State
30 shall appoint another prosecutor for that purpose;

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

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

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

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

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

29 “(8) A filing officer having reason to believe that a violation of an
30 election law or rule has occurred shall proceed promptly as though the offi-

1 cer had received a complaint. Except as provided in ORS 260.234, a filing
2 officer shall proceed under this subsection no later than two years following
3 the election at which a violation of an election law or rule is alleged to have
4 occurred, or two years following the date the violation of an election law
5 or rule is alleged to have occurred, whichever is later. If a filing officer has
6 not proceeded within two years because of fraud, deceit, misleading repre-
7 sentation or the filing officer could not have reasonably discovered the al-
8 leged violation, the filing officer shall proceed no later than five years
9 following the election at which a violation of an election law or rule is al-
10 leged to have occurred, or five years following the date the violation of an
11 election law or rule is alleged to have occurred, whichever is later.

12 **“SECTION 18.** ORS 260.315 is amended to read:

13 “260.315. (1) The Secretary of State, at the expense of the state, shall
14 [*furnish*] **make available** to the other filing officers copies of this chapter.

15 “(2) A filing officer shall [*deliver*] **make available** a copy of this chapter
16 to each candidate or person whom the officer has reason to believe is re-
17 quired to file a statement with the officer under ORS 260.057, 260.076, 260.083,
18 260.112 or 260.118.

19 **“SECTION 19.** ORS 254.555 is amended to read:

20 “254.555. (1) Except as provided in ORS 254.548, not later than the 37th
21 day after any election, the Secretary of State, regarding offices for which the
22 secretary receives filings for nomination, shall:

23 “(a) Canvass the votes for the offices, except the office of Governor after
24 the general election.

25 “(b) Enter in a register of nominations after the primary election the
26 name and, if applicable, major political party of each candidate nominated,
27 the office for which the candidate is nominated and the date of entry.

28 “(c) Prepare and deliver a certificate of nomination or election to each
29 candidate having the most votes for nomination for or election to the office.
30 The Secretary of State shall sign the certificate under the seal of the state.

1 “(d) Issue a proclamation declaring the election of candidates to the of-
2 fices.

3 “(2) Not later than the [37th] **30th** day after the election:

4 “(a) The Secretary of State, regarding measures for which the secretary
5 is the filing officer, shall canvass the votes for each measure.

6 “(b) The Governor shall issue a proclamation giving the number of votes
7 cast for or against each such measure, and declaring the approved measures
8 as the law on the effective date of the measure. If two or more approved
9 measures contain conflicting provisions, the Governor shall proclaim which
10 is paramount.

11 **“SECTION 20.** ORS 249.068 is amended to read:

12 “249.068. (1) Except as otherwise provided for a candidate for nonpartisan
13 office in ORS 249.072:

14 “(a) A nominating petition for an office to be voted for in the state at
15 large or for a candidate for Representative in Congress shall contain signa-
16 tures of members of the same major political party as the candidate. Except
17 as provided in this subsection, there shall be at least 1,000 signatures or the
18 number of signatures at least equal to two percent of the vote cast in the
19 state or congressional district, as the case may be, for the candidates of that
20 major political party for presidential electors at the last presidential
21 election, whichever is less;

22 “(b) For [an] **all elections beginning with the** election next following
23 any change in the **district** boundaries of a congressional district **and ending**
24 **with the presidential election next following any change in the district**
25 **boundaries of the congressional district**, there shall be at least 1,000 sig-
26 natures or the number of signatures at least equal to two percent of the
27 average number of votes cast in all congressional districts in this state, as
28 the case may be, for the candidates of that major political party for presi-
29 dential electors at the last presidential election, whichever is less;

30 “(c) In the case of a candidate nominated by a major political party that

1 did not nominate presidential electors at the last presidential election, there
2 shall be at least 1,000 signatures; and

3 “(d) If the office is one to be voted for in the state at large, the signatures
4 shall include those of at least 100 electors registered in each congressional
5 district.

6 “(2) Except as otherwise provided in this section or for a candidate for
7 nonpartisan office in ORS 249.072:

8 “(a) A nominating petition for an office not provided for in subsection (1)
9 of this section shall contain the signatures of electors who are members of
10 the same major political party as the candidate. There shall be at least 500
11 signatures or the number of signatures at least equal to two percent of the
12 vote in the electoral district for the candidates of that major political party
13 for presidential electors at the last presidential election, whichever is less;

14 “(b) In the case of major political party candidates for the office of state
15 Senator or state Representative, for *[an]* **all elections beginning with the**
16 **election next following any change in the *[boundaries of the districts]* dis-**
17 **trict boundaries** of state Senators or state Representatives under Article IV,
18 section 6, of the Oregon Constitution, **and ending with the presidential**
19 **election next following any change in the district boundaries of state**
20 **Senators or state Representatives**, there shall be at least 500 signatures
21 or the number of signatures at least equal to two percent of the average
22 number of votes cast in all state senatorial or state representative districts
23 in this state, as the case may be, for the candidates of that major political
24 party for presidential electors at the last presidential election, whichever is
25 less; and

26 “(c) In the case of a candidate nominated by a major political party that
27 did not nominate presidential electors at the last presidential election, there
28 shall be at least 500 signatures.

29 **“SECTION 21.** ORS 249.740 is amended to read:

30 “249.740. (1)(a) A certificate of nomination made by individual electors

1 shall contain a number of signatures of electors in the electoral district
2 equal to not less than one percent of the total votes cast in the electoral
3 district for which the nomination is intended to be made, for all candidates
4 for presidential electors at the most recent presidential election.

5 “(b) For *[an]* **all elections beginning with the** election next following
6 any change in the boundaries of an electoral district **and ending with the**
7 **presidential election next following any change in the boundaries of**
8 **the electoral district**, a certificate of nomination made by individual elec-
9 tors shall contain a number of signatures of electors equal to not less than
10 one percent of the average number of votes cast in all of the same form of
11 electoral districts in this state for all candidates for presidential electors at
12 the most recent presidential election.

13 “(2) Each elector signing a certificate of nomination made by individual
14 electors shall include the residence or mailing address of the elector. Except
15 for a certificate of nomination of candidates for electors of President and
16 Vice President of the United States, a certificate of nomination made by in-
17 dividual electors shall contain the name of only one candidate.

18 “(3) Before beginning to circulate the certificate of nomination, the chief
19 sponsor of the certificate shall file a signed copy of the prospective certif-
20 icate with the filing officer referred to in ORS 249.722. The chief sponsor of
21 the certificate shall include with the prospective certificate a statement de-
22 clarating whether one or more persons will be paid money or other valuable
23 consideration for obtaining signatures of electors on the certificate. After the
24 prospective certificate is filed, the chief sponsor shall notify the filing officer
25 not later than the 10th day after the chief sponsor first has knowledge or
26 should have had knowledge that:

27 “(a) Any person is being paid for obtaining signatures, when the state-
28 ment included with the prospective certificate declared that no such person
29 would be paid.

30 “(b) No person is being paid for obtaining signatures, when the statement

1 included with the prospective certificate declared that one or more such
2 persons would be paid.

3 “(4) The circulator shall certify on each signature sheet that the
4 circulator:

5 “(a) Witnessed the signing of the signature sheet by each individual
6 whose signature appears on the signature sheet; and

7 “(b) Believes each individual is an elector registered in the electoral dis-
8 trict.

9 “(5) The signatures contained in each certificate of nomination made by
10 individual electors shall be certified for genuineness by the county clerk or
11 the Secretary of State under ORS 249.008.

12 “(6) As used in this section, ‘prospective certificate’ means the informa-
13 tion, except signatures and other identification of certificate signers, re-
14 quired to be contained in a completed certificate of nomination.

15 **“SECTION 22.** ORS 254.529 is amended to read:

16 “254.529. (1) At each primary election, general election and special
17 election, the county clerk shall make a determination on whether to conduct:

18 “(a) A hand count of ballots as described in this section and compare the
19 tally of votes for those ballots produced by a vote tally system with the tally
20 of votes for those ballots produced by the hand count; or

21 “(b) A risk-limiting audit in the manner described in ORS 254.532.

22 “(2) If the county clerk determines that a hand count will be conducted:

23 “(a) In the event that the unofficial tally of ballots produced by a vote
24 tally system reveals that the margin of victory between the two candidates
25 receiving the largest number of votes in the county is less than one percent
26 of the total votes cast in that election in the county, the county clerk shall
27 conduct a hand count of ballots in at least 10 percent of all precincts or of
28 ballots in at least 10 percent of all batches of ballots collected by the county
29 clerk.

30 “(b) In the event that the unofficial tally of ballots reveals that the

1 margin of victory between the two candidates receiving the largest number
2 of votes in the county is greater than or equal to one percent but less than
3 two percent of the total votes cast in the county, the county clerk shall
4 conduct a hand count of ballots in at least five percent of all precincts or
5 of ballots in at least five percent of all batches of ballots collected by the
6 county clerk.

7 “(c) In the event that the unofficial tally of ballots reveals that the mar-
8 gin of victory between the two candidates receiving the largest number of
9 votes in the county is greater than or equal to two percent of the total votes
10 cast in the county, the county clerk shall conduct a hand count of ballots
11 in at least three percent of all precincts or of ballots in at least three percent
12 of all batches of ballots collected by the county clerk.

13 “(3) If the county clerk determines that a hand count will be conducted,
14 the county clerk shall conduct a hand count of ballots cast in the election
15 contest between the two candidates receiving the largest number of votes in
16 the county, an election contest for an office to be voted on in the state at
17 large and, if possible, an election contest for a state measure. The Secretary
18 of State shall select the precincts or batches at random. At the election:

19 “(a) If selecting precincts, no fewer than 150 ballots must have been cast
20 in at least one of the precincts selected.

21 “(b) If selecting batches, the number of ballots contained in the batches
22 selected must in the aggregate be equal to or greater than:

23 “(A) Ten percent of the total number of ballots cast in the election for a
24 hand count required under subsection (2)(a) of this section.

25 “(B) Five percent of the total number of ballots cast in the election for
26 a hand count required under subsection (2)(b) of this section.

27 “(C) Three percent of the total number of ballots cast in the election for
28 a hand count required under subsection (2)(c) of this section.

29 “(4) Not later than 5 p.m. of the 15th business day after the date of the
30 election, the Secretary of State shall in writing advise the county clerks who

1 made a determination that a hand count will be conducted of:

2 “(a) The election contests for which ballots are to be hand counted; and

3 “(b) The precincts or batches in which ballots are to be hand counted.

4 “(5) A county clerk shall begin the hand counts under this section not
5 later than the 27th day after the election and complete the hand counts not
6 later than the 35th day after the election. The results of the hand counts
7 shall be provided to the Secretary of State, who shall make the results pub-
8 licly available on the Secretary of State’s website.

9 “(6) A comparison of the tally of votes produced by a vote tally system
10 with the tally of votes produced by the hand count under this section must
11 show that the tally of votes produced by the vote tally system differs by no
12 more than one-half of one percent from the tally of votes produced by the
13 hand count.

14 “(7)(a) If a hand count conducted under this section results in a tally of
15 votes for a candidate or measure that is different from the tally of votes
16 produced by the vote tally system for that candidate or measure, and the
17 difference for each race is equal to or less than one-half of one percent, the
18 tally of votes produced by the vote tally system is the official tally of votes
19 for that vote tally system.

20 “(b) If a hand count conducted under this section results in a tally of
21 votes for a candidate or measure that is different from the tally of votes
22 produced by the vote tally system for that candidate or measure, and the
23 difference in any race is greater than one-half of one percent, the county
24 clerk shall conduct a second hand count of the same ballots.

25 “(c) If the second hand count conducted under this subsection results in
26 a tally of votes for a candidate or measure that is different from the tally
27 of votes produced by the vote tally system for that candidate or measure, and
28 the difference for each race is equal to or less than one-half of one percent,
29 the tally of votes produced by the vote tally system is the official tally of
30 votes for that vote tally system.

1 “(d) If the second hand count conducted under this subsection results in
2 a tally of votes for a candidate or measure that is different from the tally
3 of votes produced by the vote tally system for that candidate or measure, and
4 the difference in any race is greater than one-half of one percent, the county
5 clerk shall conduct a hand count of all ballots counted by that vote tally
6 system. The hand count is the official tally of votes for that vote tally sys-
7 tem. If the hand count is the official tally of votes, not later than the **30th**
8 **day after the election for a measure, or the 37th day after the election**
9 **for a candidate**, the county clerk shall certify amended abstracts of votes
10 to appropriate elections officials.

11 “(8) For purposes of conducting the hand counts under this section, the
12 county clerk shall:

13 “(a) Retain custody of the ballots; and

14 “(b) Provide for security for the ballots and the information required to
15 be collected under this subsection.

16 “(9) This section does not apply:

17 “(a) To precincts that are subject to a recount under ORS 258.161, 258.280
18 or 258.290.

19 “(b) If federal law requires a post-election hand count of ballots at the
20 primary election, general election or special election to verify election re-
21 sults and the Secretary of State determines that the requirements of federal
22 law are at least as stringent as the requirements of subsections (1) to (8) of
23 this section.

24 **“SECTION 23. This 2023 Act being necessary for the immediate**
25 **preservation of the public peace, health and safety, an emergency is**
26 **declared to exist, and this 2023 Act takes effect on its passage.”.**

27
