

March 14, 2025



HB 3166: Support

Testimony of Oregon Election Reform Coalition to convey readable version of -2 Amendment

The Oregon Election Reform Coalition (OERC) supports HB 3166 in the form of the -2 Amendment.

Appended to this testimony is a readable version of the -2 Amendment. The readable version deletes all of the bill as introduced and replaces it with the text of the -2 Amendment.

The version of the -2 Amendment posted in the Oregon Legislative Information System (OLIS) consists of instructions on how to edit the text of the introduced bill in order to produce the result of the -2 Amendment. The version on OLIS is not comprehensible as is.

Thus, to understand the -2 Amendment, please refer to the comprehensible version appended to this testimony.

Oregon Election Reform Coalition

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PROPOSED AMENDMENT TO HOUSE BILL 3166

-2 Amendment's editing instructions implemented

Prepared by Oregon Election Reform Coalition

On page 1 of the printed bill, delete lines 2 through 28 and delete pages 2 through 41 and insert:

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

SECTION 1. Sections 4 and 5 of this 2025 Act shall be known and may be cited as the Unified Primary Act.

SECTION 2. Sections 4 and 5 of this 2025 Act are added to and made a part of ORS chapter 249.

SECTION 3. ORS 249.002 is amended to read:

249.002. As used in this chapter:

- (1) "Candidate" means an individual whose name is or is expected to be printed on the official ballot or a write-in candidate.
- (2) "County clerk" means the county clerk or the county official in charge of elections.
- (3) "Elector" means an individual qualified to vote under Article II, section 2, Oregon Constitution.
- (4) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon Tax Court.
- (5) "Member" means an individual who is registered as being affiliated with the political party.
- (6) "Minor political party" means a political party that has qualified as a minor political party under ORS 248.008.
- (7) "Nonpartisan office" means the office of judge, Commissioner of the Bureau of Labor and Industries, any elected office of a metropolitan service district under ORS chapter 268, justice of the peace, county clerk, county assessor, county surveyor, county treasurer, county judge who exercises judicial functions, sheriff, district attorney or any office designated nonpartisan by a home rule charter.

(8) "Prospective petition" means the information, except signatures and other identification of petition signers, required to be contained in a completed petition.

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

(10) "State office" means Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, judge, state Senator, state Representative or district attorney.

(11) "Voter choice election" means a primary or general election to select persons to serve in voter choice office.

(12) "Voter choice office" means:

(a) The office of United States Senator, Representative in Congress, Governor, Secretary of State, State Treasurer, Attorney General, state Senator and state Representative and any other state, county, city or district office that is not a nonpartisan office nor an office for which nominations to the general election by political parties are expressly authorized by law;

(b) The Commissioner of the Bureau of Labor and Industries; and

(c) Any other state, county, city, regional or district office that the governing body of the jurisdiction designates as a voter choice office.

SECTION 4. (1) All electors shall have the opportunity to vote in the primary election for the nomination of any candidate for a voter choice office, regardless of whether the elector is affiliated with the same political party as the candidate.

(2) Regardless of the political party affiliation of a candidate, all candidates for nomination to a voter choice public office shall appear on the same primary election ballot, with the two candidates who receive the most votes being nominated for that office at the general election.

(3) Subsections (1) to (2) of this section:

(a) Are subject to the provisions of a home rule charter; and

(b) Do not apply to candidates for President or Vice President of the United States.

SECTION 5. (1) If a vacancy occurs in a nomination for a voter choice office after the primary election and before the 61st day before the general election, the qualified candidate who received the next highest number of votes at the primary election, but not less than one-half of one percent of the total number of votes cast for candidates for that office, shall be the replacement nominee. The chief elections officer, as defined in ORS 254.005, shall file the name of the replacement nominee with each appropriate county clerk.

(2) If a county government redesignates an office from partisan to nonpartisan, that office must continue to be a voter choice office, unless the county government designates otherwise.

SECTION 6. ORS 249.013 is amended to read:

249.013. (1) A person may not be a candidate for more than one lucrative office to be filled at the same election.

(2)

[(a)] A person may not file a nominating petition or declaration of candidacy for more than one lucrative office [or more than one office of precinct committeeperson] before the date of the election at which a person will be nominated or elected to each office unless the person first files a written withdrawal, under ORS 249.170, of the person's initial filing.

[(b) Notwithstanding ORS 249.170, if a person files a declaration of write-in candidacy for an office of precinct committeeperson under ORS 248.019, any prior declaration of candidacy for the office of precinct committeeperson that was filed for that election by the same person is considered withdrawn.]

(3) If at any time before the date of the election at which a person will be nominated or elected to each office it is determined that a person has filed two or more nominating petitions or declarations of candidacy for any lucrative office *[or two or more nominating petitions or declarations of candidacy for the office of precinct committeeperson]* without written withdrawal or withdrawals intervening, all such filings are invalid and any other filing made by the same person is void.

(4)

(a) A person may not be a candidate for more than one position on the same district board to be filled at the same election.

(b) As used in this subsection, "district board" means the governing body of a district as defined in ORS 255.012.

(5) A person may not be a candidate for more than one city office to be filled at the same election.

(6) Notwithstanding any provision of this section, in the case of a vacancy to be filled by election, the same person is eligible for nomination and election to both the unexpired and the succeeding terms. The name of the candidate may be placed on the ballot in both places.

(7) For any incumbent officeholder, the filing deadline for a nominating petition or a declaration of candidacy for an additional term of the same public office, or for filing a withdrawal of the petition or declaration, must be seven days prior to the corresponding filing deadlines for nonincumbent candidates for that public office.

SECTION 7. ORS 249.020 is amended to read:

249.020. (1) An eligible elector, **regardless of party affiliation or non-affiliation**, may become a candidate for **voter choice office or** nonpartisan office[, *or for the nomination to an office by the major political party of which the elector is a member,*] by filing a nominating petition or a declaration of candidacy.

(2) At the time of filing, a declaration of candidacy shall be accompanied by the filing fee specified in ORS 249.056.

(3) At the time of filing, a nominating petition shall contain the signature sheets described under ORS 249.064.

SECTION 8. ORS 249.023 is amended to read:

249.023. Notwithstanding any provision of this chapter, and except as provided in section 8, Article IV, Oregon Constitution, and section 2, Article V, Oregon Constitution, an otherwise qualified person who will attain the age of 18 years after the deadline for filing a nominating petition or declaration of candidacy for nomination to any [*major political party*] office and on or before the date of the primary election, and who is registered [*as a member of the major political party*] **to vote** not later than the date of the primary election, is eligible to file a nominating petition for nomination to any [*major political party*] office, to be listed on the ballot and to be nominated for the office, including by write-in votes.

SECTION 9. ORS 249.031 is amended to read:

249.031. (1) [*Except as provided in subsection (2) of this section,*] A nominating petition or declaration of candidacy shall contain:

(a) The name by which the candidate is commonly known. A candidate may use a nickname in parentheses in connection with the candidate's full name.

(b) Address information as required by the Secretary of State by rule.

(c) The office and department or position number, if any, for which the candidate seeks nomination.

[(d) If the candidate is seeking the nomination of a major political party, the name of the major political party of which the candidate will have been a member, subject to the exceptions stated in ORS 249.046, during at least 180 days before the deadline for filing a nominating petition or declaration of candidacy.]

(d) If the candidate is seeking nomination for or election to a voter choice office, the names of the political parties that have officially issued endorsements that the candidate has accepted.

(e) A statement that the candidate is willing to accept the nomination or election *[or, regarding a candidate for precinct committeeperson, that the candidate accepts the office if elected]*.

(f) A statement that the candidate will qualify if elected.

[(g) If the candidate is seeking the nomination of a major political party, a statement that the candidate, if not nominated, will not accept the nomination or endorsement of any political party other than the one of which the candidate is a member on the date the petition or declaration is filed.]

[(h)] **(g)** The signature of the candidate.

[(i)] **(h)** A statement of the candidate's occupation, educational and occupational background and prior governmental experience.

[(2) Subsection (1)(i) of this section does not apply to a candidate for election as a precinct committeeperson.]

[(3)] (2) The Secretary of State shall ensure that the templates for a nominating petition or declaration of candidacy provide the candidate with the option to:

(a) Provide the candidate's race and ethnicity; and

(b) Limit the public accessibility of the candidate's residence address in the manner set forth in ORS 249.021.

[(4)] **(3)** A declaration of candidacy shall include a statement that the required fee is included with the declaration.

[(5) If required by the national rules of the major political party, the declaration of a candidate for election as a precinct committeeperson shall include the name of the individual the candidate supports for President of the United States or "uncommitted" or "no preference."]

SECTION 10. ORS 249.037 is amended to read:

249.037. (1) Except as otherwise provided in this section, a nominating petition or declaration of candidacy shall be filed not sooner than the 250th day and not later than the 70th day before the date of the nominating election.

(2) If a vacancy occurs in a partisan elective office **or voter choice office** after the 80th day and before the 70th day before the nominating election, a nominating petition or declaration of candidacy for that office may be filed not later than the 65th day before the nominating election.

[(3) A declaration of candidacy for the office of precinct committeeperson shall be filed not sooner than the 250th day and not later than the 70th day before the date of the primary election.]

SECTION 11. ORS 249.042 is amended to read:

249.042. When an elector files with the appropriate filing officer the statement and prospective petition under ORS 249.061, or a declaration of candidacy, it is conclusive evidence that the elector is a candidate for nomination or election [*by the elector's political party or*] to the [*nonpartisan*] office stated in the petition or declaration.

SECTION 12. ORS 249.056 is amended to read:

249.056. (1) At the time of filing a declaration of candidacy, a candidate for the following offices shall pay to the officer with whom the declaration is filed the following fee:

(a) United States Senator, \$150.

(b) Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Representative in Congress, judge of the Supreme Court, Court of Appeals or Oregon Tax Court, or executive officer or auditor of a metropolitan service district, \$100.

(c) County officer, district attorney, county judge who exercises judicial functions or circuit court judge, \$50.

(d) State Senator or Representative or councilor of a metropolitan service district under ORS chapter 268, §25.

(2) No filing fee [*shall*] **may** be required of persons filing a declaration of candidacy for [*precinct committeeperson or*] justice of the peace **or who have submitted sufficient verified voter signatures to satisfy the requirements of ORS 249.072.**

SECTION 13. ORS 249.064 is amended to read:

249.064. [*(1) A nominating petition of a candidate seeking the nomination of a major political party shall contain a statement that each elector whose signature appears on the petition is a member of the same major political party as is the candidate.*] [(2)] **(1)** A nominating petition of any candidate shall contain the number of signatures of electors required by ORS [*249.068 or*] 249.072 and the residence or mailing address and name or number of the precinct, if known, of each elector whose signature appears.

[(3)] **(2)** Pursuant to ORS 249.008, the county clerks or the Secretary of State shall certify the signatures contained in the nominating petition for genuineness.

SECTION 14. ORS 249.072 is amended to read:

249.072. (1) If the nonpartisan **or voter choice** office is to be voted for in the state at large, the nominating petition shall contain at least 1,000 signatures of electors, or a number of signatures of electors equal to at least one percent of the vote cast in the state for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term, whichever is less. The signatures shall include those of at least 100 electors registered in each congressional district.

(2) The nominating petition for a nonpartisan **or voter choice** office not provided for in subsection (1) of this section shall contain at least 500 signatures of electors in the electoral district, or a number of signatures of electors equal to at least one percent of the vote cast in the electoral district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term, whichever is less.

SECTION 15. ORS 249.076 is amended to read:

249.076. [*(1) A person who is not a member of the same major political party as the candidate for nomination by the major political party may not sign the nominating petition of the candidate.*]

[(2)] **(1)** Any elector may sign:

(a) A nominating petition or certificate of nomination of any candidate for nonpartisan office **or voter choice office; and**

[(b) A nominating petition or certificate of nomination of any nonaffiliated candidate; and]

[(c)] **(b)** Nominating petitions or certificates of nomination for more than one candidate for the same office.

SECTION 16. ORS 249.205 is amended to read:

249.205. (1) If the only candidate nominated to [*a nonpartisan*] **an** office dies, withdraws or becomes ineligible, or if a vacancy occurs in the [*non- partisan*] office after the 70th day before the nominating election and on or before the 62nd day before the general election, a candidate for the office may file a declaration of candidacy in the manner provided for [*nonpartisan*] **that** office or shall be nominated by nominating petition in the manner provided for [*nonpartisan*] **that** office.

(2) The Secretary of State by rule may adopt a schedule for filing nominating petitions or declarations of candidacy under this section. The schedule may specify the period within which nominating petitions or declarations of candidacy must be filed after a vacancy occurs.

SECTION 17. ORS 249.215 is amended to read:

249.215. (1) If a vacancy occurs in a state office before the 61st day before the first general election to be held during that term of office, the remaining two years of the term of the state office shall be filled by the electors at that general election.

(2) The remaining two years of the term of the state office shall commence on the second Monday in January following the general election. Any appointment made to fill the vacancy shall expire when a successor to the office is elected and qualified.

(3) Candidates for the remaining two years of the term of the state office under this section shall be nominated as provided in this chapter.*[, with major political parties following the procedure set forth in ORS 249.200, except as follows:]*

[(a) A minor political party, by party rule, or an assembly of electors or individual electors, may select a nominee; and]

[(b) The Secretary of State shall accept certificates of nomination and notifications of nominees filed with the secretary pursuant to a schedule for filing set by the secretary, but in any case not later than the 62nd day before the first general election.]

(4) As used in this section, "state office" means the office of Governor, Secretary of State, State Treasurer, Attorney General and Commissioner of the Bureau of Labor and Industries.

SECTION 18. ORS 249.830 is amended to read:

249.830. (1) A person who has been nominated and has accepted the nomination under ORS 249.712 may withdraw from the nomination by filing with the [*officer with whom the certificate of nomination was filed*] **Secretary of State** a written statement declining the nomination and stating the reason for withdrawal.

(2) The statement must be:

(a) Signed by the person withdrawing from the nomination; and

(b) Filed not later than the 67th day before the general election.

[*(3) The statement may be sent to the Secretary of State through a county clerk, as provided by ORS 249.850.*]

SECTION 19. ORS 249.048, 249.068, 249.190, and 249.200 are repealed.

SECTION 20. ORS 249.180 is amended to read:

249.180. Any person who has been nominated at a primary election, or any person who has been nominated to fill a vacancy as provided in ORS 188.120 [*or 249.190 and 249.200*], may withdraw from nomination by filing a written statement declining the nomination and stating the reason for withdrawal. The statement shall be signed by the candidate and filed not later than the 67th day before the general election with the officer with whom the candidate's declaration of candidacy or nominating petition was filed.

SECTION 21. ORS 254.005 is amended to read:

254.005. As used in this chapter:

(1) "Ballot" means any material on which votes may be cast for candidates or measures. In the case of a recall election, "ballot" includes material posted in a voting compartment or delivered to an elector by mail.

(2) "Chief elections officer" means the:

(a) Secretary of State, regarding a candidate for a state office or an office to be voted on in the state at large or in a congressional district, or a measure to be voted on in the state at large.

(b) County clerk, regarding a candidate for a county office, or a measure to be voted on in a county only.

(c) City clerk, auditor or recorder, regarding a candidate for a city office, or a measure to be voted on in a city only.

(3) "County clerk" means the county clerk or the county official in charge of elections.

(4) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Constitution.

(5) "Major political party" means a political party that has qualified as a major political party under ORS 248.006.

(6) "Measure" includes any of the following submitted to the people for their approval or rejection at an election:

(a) A proposed law.

(b) An Act or part of an Act of the Legislative Assembly.

(c) A revision of or amendment to the Oregon Constitution.

(d) Local, special or municipal legislation.

(e) A proposition or question.

(7) "Minor political party" means a political party that has qualified as a minor political party under ORS 248.008.

(8) "Nonpartisan office" means the office of judge of the Supreme Court, Court of Appeals, circuit court or the Oregon Tax Court, Commissioner of the Bureau of Labor and Industries, any elected office of a metropolitan service district under ORS chapter 268, justice of the peace, county clerk, county assessor, county surveyor, county treasurer, county judge who exercises judicial functions, sheriff, district attorney or any office designated nonpartisan by a home rule charter.

(9) "Prospective petition" means the information, except signatures and other identification of petition signers, required to be contained in a completed petition.

(10) "Regular district election" means the election held each year for the purpose of electing members of a district board as defined in ORS 255.005 (2). (11) "Vote tally system" means one or more pieces of equipment necessary to examine and tally automatically the marked ballots.

(11) "Voter choice election" means a primary or general election to select persons to serve in voter choice office.

(12) "Voter choice office" means:

(a) The office of United States Senator, Representative in Congress, Governor, Secretary of State, State Treasurer, Attorney General, state Senator and state Representative and any other state, county, city or district office that is not a nonpartisan office nor an office for which nominations to the general election by political parties are expressly authorized by law;

(b) The Commissioner of the Bureau of Labor and Industries; and

(c) Any other state, county, city, regional or district office that the governing body of the jurisdiction designates as a voter choice office.

[(12)] **(13) "Voting machine" means any device that will record every vote cast on candidates and measures and that will either internally or externally total all votes cast on that device.**

SECTION 22. Sections 23 to 24 of this 2025 Act are added to and made a part of ORS chapter 254.

SECTION 23.(1) The provisions of this section are intended to provide electors access to information in the public record about candidates for voter choice offices and the political parties that endorse those candidates, without infringing on the rights of political parties and their members to organize and associate.

(2)

(a) For each candidate for a voter choice office, the county clerk shall print on the primary election ballot and on the general election ballot the name of the candidate with the names of up to three political parties that have official endorsed the candidate for that election, in the order specified by the candidate, preceded by the phrase "Endorsed by:".

(b) The county clerk shall print only those endorsements that have been accepted by the candidate and for which the chief elections officer has received notice not later than the 45th day before the primary election or the 55th day before the general election.

(c) The county clerk shall print on every page of a an election ballot that displays a candidate for voter choice office: "The political party name next to the name of the candidate means that the party has officially endorsed the candidate."

(3) In order to officially endorse candidates for voter choice office, a political party must adopt rules governing the endorsement. The rules shall be filed with the Secretary of State. The rules must ensure the fair and open participation of all interested members of the party in making endorsement decisions and must be adopted not later than 180 days before any election to which the rules would apply.

(4) A political party may officially endorse multiple candidates for the same office.

(5) As used in this section, "political party" means a party qualified as a major or minor political party in this state under ORS chapter 248.

SECTION 24. Except as provided in this 2025 Act, all provisions of state law that apply to elections and ballots for nonpartisan offices also apply to voter choice offices.

SECTION 25. ORS 254.076 is amended to read:

254.076. The chief elections officer shall keep a register of candidates for nomination at the primary election. The register, if applicable, shall contain [*for each major political party*]:

[*(1) The title of each office for which the major political party will nominate candidates at the primary election.*]

[*(2) (1) The name and mailing address of each candidate for nomination at the primary election.*]

[*(3) The name of the major political party with which the candidate is registered as affiliated.*]

(2) The names of the political parties that have officially issued endorsements that the candidate has accepted.

[*(4) (3) The date of filing of the prospective petition for nomination of the candidate.*]

[*(5) (4) The date of filing of the completed petition for nomination of the candidate, the number of valid signatures contained and the number of signatures required.*]

[(6)] (5) The date of filing of the declaration of candidacy of the candidate.

[(7)] (6) Such other information as may aid the chief elections officer in arranging the official ballot for the primary election.

SECTION 26. ORS 254.115 is amended to read:

254.115. (1) The official primary election ballot shall be styled "Official Primary [Nominating] Ballot [for the Party]." and shall state:

(a) The name of the county for which it is intended.

(b) The date of the primary election.

(c) The names of all candidates for nomination at the primary election whose nominating petitions or declarations of candidacy have been made and filed, and who have not died, withdrawn or become disqualified.

[(d)] *The names of candidates for election as precinct committeeperson.*]

[(e)] (d) The names of candidates for the party nomination for President of the United States who qualified for the ballot under ORS 249.078.

(2) The primary election ballot may include any city, county, **voter choice** or nonpartisan office or the number, ballot title and financial estimates under ORS 250.125 of any measure.

(3)

(a) The ballot may not contain the name of any person other than those referred to in subsections (1) and (2) of this section.

(b) The name of each candidate for whom a nominating petition or declaration of candidacy has been filed shall be printed on the ballot in but one place, except in circumstances where a candidate may hold more than one office or nomination without violating ORS 249.013.

(c) In the event that two or more candidates for the same nomination or office have the same first name and last name, as indicated on the declarations of candidacy or nominating petitions of the candidates, the location of their places of residence shall be printed with their names to distinguish one from another. [*This paragraph does not apply to candidates for precinct committeeperson.*]

SECTION 27. ORS 254.135 is amended to read:

254.135. (1) The official general or special election ballot shall be styled "Official Ballot" and shall state:

- (a) The name of the county for which it is intended.
- (b) The date of the election.
- (c) The names of all candidates for offices to be filled at the election whose nominations have been made and accepted and who have not died, withdrawn or become disqualified. The ballot may not contain the name of any other person.
- (d) The number, ballot title and financial estimates under ORS 250.125 of any measure to be voted on at the election.

(2) The names of candidates for President and Vice President of the United States shall be printed in groups together, with their political party designations. The names of the electors may not be printed on the general election ballot. A vote for the candidates for President and Vice President is a vote for the group of presidential electors supporting those candidates and selected as provided by law. The general election ballot shall state that electors of President and Vice President are being elected and that a vote for the candidates for President and Vice President shall be a vote for the electors supporting those candidates.

(3)

(a) The name of each candidate nominated shall be printed on the ballot in but one place, without regard to how many times the candidate may have been nominated, except in circumstances where a candidate may hold more than one office or nomination without violating ORS 249.013. [*The name of a political party, or names of political parties, shall be printed with the name of a candidate for other than nonpartisan office according to the following rules:*]

[(A) For a candidate not affiliated with a political party who is nominated by a minor political party, the name of the minor political party shall be printed with the name of the candidate;]

[(B) For a candidate not affiliated with a political party who is nominated by more than one minor political party, the names of not more than three minor political parties selected by the candidate shall be printed with the name of the candidate;]

[(C) For a candidate who is a member of a political party who is nominated by a political party of which the candidate is not a member, the name of the political party that nominated the candidate shall be printed with the name of the candidate;]

[(D) For a candidate who is a member of a political party who is nominated by more than one political party of which the candidate is not a member, the names of not more than three political parties selected by the candidate shall be printed with the name of the candidate;]

[(E) For a candidate who is nominated only by a political party of which the candidate is a member, the name of the political party of which the candidate is a member shall be printed with the name of the candidate; and]

[(F) For a candidate who is nominated by a political party of which the candidate is a member and by any political party or parties of which the candidate is not a member, the name of the political party of which the candidate is a member and the names of not more than two other political parties selected by the candidate shall be printed with the name of the candidate.]

[(b) If a candidate is required to select the name of a political party to be printed on the ballot under paragraph (a) of this subsection, the candidate shall notify the filing officer of the selection not later than the 61st day before the day of the election.]

[(c) (b) The word "incumbent" shall be printed with the name of each candidate for the Supreme Court, Court of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the Secretary of State under ORS 254.085.

*[(d) (c) The word "nonaffiliated" shall be printed with the name of each candidate who is not [affiliated with] **endorsed** by a political party and who is nominated by an assembly of electors or individual electors.*

*[(e) (d) If two or more candidates for the same office have the same or similar surnames, **the candidates' occupations and/or** the location of their places of residence shall be printed with their names to distinguish one from another.*

(4) Notwithstanding subsection (3)(a) of this section, the name of a candidate nominated for more than one district office that is to be filled at the same election shall be separately printed upon the ballot for each district office for which the candidate is nominated.

SECTION 28. ORS 254.365 is amended to read:

254.365. (1) An elector is not qualified or permitted to vote at any **presidential** primary election for any candidate of a major political party, and it is unlawful for the elector to offer to do so, unless:

(a) The elector is registered as being affiliated with [*one of*] the major political [*parties*] **party** nominating [*or electing*] its [*candidates*] **candidate** for [*public office*] **President of the United States** at the primary election; or

(b) The elector [*is registered as not being affiliated with any political party and*] wishes to vote in the primary election of a major political party that has provided under subsection (3) of this section for a **presidential** primary election that admits electors not affiliated with [*any*] **that** political party.

(2) Except as provided in ORS 254.470 (3), any elector offering to vote at the **presidential** primary election shall be given a ballot of the major political party with which the elector is registered as being affiliated. The elector may not be given a ballot of any other political party at that **presidential** primary election. An elector not affiliated with any **major** political party and offering to vote at the **presidential** primary election shall be given the ballot of the major political party in whose **presidential** primary election the elector wishes to vote if that party has provided under subsection (3) of this section for a primary election that admits electors not affiliated with [*any*] **that** political party. An elector not affiliated with [*any*] **that** political party who is given a ballot of the major political party associates with the party for the purpose of voting in that primary election.

(3)

(a) Not later than the 90th day before the date of the **presidential** primary election, a major political party may file with the Secretary of State a certified copy of the current party rule allowing an elector not affiliated with [*any*] **that** political party to vote in the party's **presidential** primary election. The party may not repeal the rule as filed during the 90 days before the **presidential** primary election. The rule shall continue to be effective after the date of the **presidential** primary election until the party gives written notice to the Secretary of State that the rule has been repealed. [*Except as provided in paragraph (b) of this subsection, a party rule under this subsection may limit the candidates for whom an elector who is not affiliated with any political party may vote.*]

[*(b) The party rule shall allow any elector who is permitted to vote for the most numerous branch of the Legislative Assembly also to vote in federal legislative elections, consistent with section 2, Article I, and the Seventeenth Amendment to the United States Constitution.*]

(b) The major political party's rule may specify which categories of electors may vote in the party's presidential primary election, including those electors registered as not affiliated with any political party or members of specified minor political parties.

[(4) If the primary election ballot includes city, county or nonpartisan offices or measures, and it is given to an elector who is not eligible to vote for party candidates, the ballot shall be marked "non-affiliated."]

(4) The Secretary of State shall distribute presidential primary election ballots to each elector qualified to vote in that party's presidential primary election on the same basis as for members of that party, without requiring a separate request from the elector.

SECTION 29. ORS 254.470 is amended to read:

254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the designation of places of deposit for the ballots cast in an election. The rules shall also specify the dates and times the places of deposit must be open and the security requirements for the places of deposit. At a minimum, the places designated under this section shall be open on the date of the election for a period of eight or more hours, but must be open until at least 8 p.m. At each place of deposit designated under this section, the county clerk shall prominently display a sign stating that the location is an official ballot drop site.

(2)

(a) Except as provided in paragraphs (b) to (e) of this subsection, the county clerk shall mail by nonforwardable mail an official ballot with a return identification envelope and a secrecy envelope not sooner than the 20th day before the date of an election and not later than the 14th day before the date of the election, to each active elector of the electoral district as of the 21st day before the date of the election.

(b) If the county clerk determines that an active elector of the electoral district as of the 21st day before the date of the election does not receive daily mail service from the United States Postal Service, the county clerk shall mail by nonforwardable mail an official ballot with a return identification envelope and a secrecy envelope to the elector not sooner than the 20th day before the date of an election and not later than the 18th day before the date of the election.

(c) In the case of ballots to be mailed to addresses outside this state to electors who are not military or overseas electors, the county clerk may mail the ballots not sooner than the 29th day before the date of the election.

(d) If an active elector of the electoral district requests an absentee ballot because the elector will be absent from the electoral district during the period of time described in paragraph (a) of this subsection, the county clerk may, if the elector's ballot is available:

(A) Allow the elector to receive the elector's ballot in person at the office of the county clerk not sooner than the 43rd day before the date of the election;
or

(B) Mail by nonforwardable mail an official ballot with a return identification envelope and a secrecy envelope to the elector not sooner than the 43rd day before the date of the election.

(e) The county clerk is not required to mail a secrecy envelope under this subsection if the Secretary of State has approved a different procedure under ORS 254.458 that provides substantially the same degree of secrecy.

(3) For an election held on the date of a primary election[:]

[(a) The county clerk shall mail the official ballot of a major political party to each elector who is registered as being affiliated with the major political party as of the 21st day before the date of the election.]

[(b) The county clerk shall mail the official ballot of a major political party to an elector not affiliated with any political party if the elector has applied for the ballot as provided in this subsection and that party has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party.]

[(c) An elector not affiliated with any political party who wishes to vote in the primary election of a major political party shall apply to the county clerk in writing. The application must be completed, signed and submitted by the elector electronically, in person or by mail, in a manner determined by the secretary by rule and must indicate which major political party ballot the elector wishes to receive. Except for electors described in subsection (4) of this section, and subject to ORS 247.203, the application must be received by the county clerk not later than 5 p.m. of the 21st day before the date of the election.]

[(d) If the primary election ballot includes city, county or nonpartisan offices or measures], the county clerk shall mail to each elector [who is not eligible to vote for party candidates] a ballot limited to those offices and measures for which the elector is eligible to vote.

(4)

(a) For each elector who updates a voter registration after the deadline in ORS 247.025, the county clerk shall make the official ballot, the return identification envelope and the secrecy envelope available either by mail or at the county clerk's office or at another place designated by the county clerk. An elector to whom this subsection applies must request a ballot from the county clerk.

(b) The county clerk is not required to make available a secrecy envelope under this subsection if the Secretary of State has approved a different procedure under ORS 254.458 that provides substantially the same degree of secrecy.

(5) The ballot shall contain the following warning:

Any person who, by use of force or other means, unduly influences an elector to vote in any particular manner or to refrain from voting is subject to a fine.

(6)

(a) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign the return identification envelope supplied with the ballot and comply with the instructions provided with the ballot.

(b) The elector may return the marked ballot to the county clerk by United States mail or by depositing the ballot at the office of the county clerk, at any place of deposit designated by the county clerk or at any location described in ORS 254.472 or 254.474.

(c) The ballot must be returned in the return identification envelope.

(d) Subject to paragraph (e) of this subsection, if a person returns a ballot for an elector, the person shall deposit the ballot in a manner described in paragraph (b) of this subsection not later than two days after receiving the ballot.

(e) If the elector deposits the ballot at the office of the county clerk, at any place of deposit designated by the county clerk or at any location described in ORS 254.472 or 254.474, the ballot must be received at the office of the county clerk, at the designated place of deposit or at any location described in ORS 254.472 or 254.474 not later than the end of the period determined under subsection (1) of this section on the date of the election. If the elector returns the ballot by mail:

(A) The ballot must be received at the office of the county clerk not later than the end of the period determined under subsection (1) of this section on the date of the election; or

(B) The ballot must:

(i) Have a postal indicator showing that the ballot was mailed not later than the date of the election; and

(ii) Be received at the office of the county clerk not later than seven calendar days after the date of the election.

(f) If a county clerk receives a marked ballot for an elector who does not reside in the clerk's county, the ballot shall be forwarded to the county clerk of the county in which the elector resides not later than the eighth day after the election.

(7) The following shall appear on the return identification envelope:

(a) Space for the elector to sign the envelope.

(b) A notice designed by rule by the Secretary of State, in consultation with the county clerks, explaining that by signing the ballot the elector is attesting under penalty of perjury that the ballot was mailed no later than the date of the election.

(c) A summary of the applicable penalties for knowingly making a false statement, oath or affidavit under the election laws.

(8) If the elector returns the ballot by mail, and a postal indicator is not present or legible, the ballot shall be considered to be mailed on the date of the election and may be counted if the ballot is received no later than seven calendar days after the election.

(9) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not received by the elector. Replacement ballots shall be issued and processed as described in this section and ORS 254.480. The county clerk shall keep a record of each replacement ballot provided under this subsection. Notwithstanding any deadline for mailing ballots in subsection (2) of this section, a replacement ballot may be mailed, made available in the office of the county clerk or made available at one central location in the electoral district in which the election is conducted. The county clerk shall designate the central location. A replacement ballot need not be mailed after the fifth day before the date of the election.

(10) A ballot shall be counted only if:

(a) It is returned in the return identification envelope;

(b) The envelope is signed by the elector to whom the ballot is issued, unless a certified statement is submitted under ORS 254.431; and

(c) The signature is verified as provided in subsection (11) of this section.

(11) The county clerk shall verify the signature of each elector on the return identification envelope with the signature on the elector's registration record, according to the procedure provided by rules adopted by the Secretary of State. Rules adopted by the

secretary under this subsection must limit personnel authorized to verify signatures to the personnel authorized to count ballots under ORS 254.476. If the county clerk determines that an elector to whom a replacement ballot has been issued has voted more than once, the county clerk shall count only one ballot cast by that elector.

(12) At 8 p.m. on election day, electors who are at the county clerk's office, a place of deposit designated under subsection (1) of this section or any location described in ORS 254.472 or 254.474 and who are in line waiting to vote or deposit a voted ballot shall be considered to have begun the act of voting.

(13)

(a)

(A) Except as provided in subparagraph (B) of this paragraph, the name of the Secretary of State may not appear in the secretary's official capacity on the return identification envelope or on any instructions or materials included with the ballot if the secretary is a candidate in the election for which the ballot is printed.

(B) This paragraph does not prohibit the name of the Secretary of State from appearing in the secretary's official capacity in the voters' pamphlet.

(b) The name of the county clerk or other filing officer may not appear in the official capacity of the county clerk or filing officer on the return identification envelope or on any instructions or materials included with the ballot if the county clerk or filing officer is a candidate in the election for which the ballot is printed.

(c) As used in this subsection, "filing officer" has the meaning given that term in ORS 254.165.

(14) As used in this section, "postal indicator" means a postmark or other indicator on a mailed ballot, identified by the Secretary of State by rule, that demonstrates the date or time at which a ballot was mailed.

SECTION 30. ORS 254.555, as amended by section 6, chapter 56, Oregon Laws 2024, is amended to read:

254.555. (1) Except as provided in ORS 254.548 or as necessary to comply with federal law concerning the issuance of a certificate of ascertainment of presidential electors, not later than the 37th day after any election, the Secretary of State, regarding offices for which the secretary receives filings for nomination, shall:

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

(b) Enter in a register of nominations after the primary election the name [*and, if applicable, major political party*] of each candidate nominated, the office for which the candidate is nominated, **the names of the political parties that have officially issued endorsements that the candidate has accepted** and the date of entry.

(c) Prepare and deliver a certificate of nomination or election to each candidate having the most votes for nomination for or election to the office **other than a voter choice office**. The Secretary of State shall sign the certificate under the seal of the state.

(d) Issue a proclamation declaring the election of candidates to the offices.

(e) Prepare and deliver the certificates of nomination to the two candidates for a voter choice office who received the highest number of votes at the nominating election.

(2) Not later than the 30th day after the election:

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

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

SECTION 31. ORS 254.565 is amended to read:

254.565. Subject to ORS 254.548, the chief city elections officer:

(1) After the primary election, shall enter in a register of nominations:

(a) The name of each candidate for city office nominated at the primary election.

(b) The office for which the candidate is nominated.

(c) If applicable, the [*name of the major political party nominating the candidate*] **names of the political parties that have officially issued endorsements that the candidate has accepted.**

(d) The date of the entry.

(2) After the general election, shall prepare and deliver a certificate of election to each qualified candidate having the most votes for election to a city office.

(3) Not later than the 40th day after any election, shall canvass the vote on each city measure, and if two or more of the approved measures contain conflicting provisions, proclaim which is paramount.

SECTION 32. ORS 254.650 is amended to read:

254.650. (1) If the Secretary of State determines that [*a vacancy exists in the nomination of*] a candidate [*of a major political party*] for state office[, *that the vacancy is due to the death of the candidate and that the vacancy occurred*] **has died** after the 47th day before the date of the general election, **if the deceased candidate was the only nominee for the office:**

- (a) The election for that state office may not be held at the general election;
- (b) The county clerks may not count ballots cast for candidates for that state office at the general election; and
- (c) The Secretary of State shall order a special election as provided in ORS 254.655.

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

- (a) The candidates who were listed on the general election ballot, other than the candidate whose nomination became vacant; and
- (b) The candidate selected to fill the vacancy in the nomination as provided in ORS [*249.190 or*] 249.205.

(3) If the Secretary of State determines that a candidate for state office has died after the 47th day before the date of the general election, if the deceased candidate was not the only nominee for the office:

- (a) The election for that state office must be held at the general election, and the name of the deceased candidate must appear on the ballot;**
- (b) The county clerks shall count ballots cast for candidates for that state office at the general election, including any ballot cast for the deceased candidate; and**
- (c) If the deceased candidate receives the most votes, the office shall be filled through the process for filling vacancies for that office.**

[(3)] (4) As used in this section "state office" means the office of Governor, Secretary of State, State Treasurer, Attorney General, state Senator or state Representative.

SECTION 33. ORS 254.025 is repealed.

SECTION 34.

ORS 254.370 is amended to read:

254.370 Record of nonaffiliated electors; record of voting in primary election of major political party and in general election. The county clerk shall maintain:

- (1) A monthly registration record of all electors registered as not being affiliated with any political party;
- (2) At each primary election, a record of the number of electors who voted from each major political party;
- (3) A record of all electors registered as not being affiliated with any political party who vote in a **presidential** primary election of a major political party that has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party; and
- (4) A record of all electors ~~registered as not being affiliated with any political party~~ who vote in the general election.

SECTION 35. ORS 248.008 is amended to read:

248.008. (1) An affiliation of electors becomes a minor political party in the state, a county or other electoral district, qualified to make nominations for public office in that electoral district and in any other electoral district wholly contained within the electoral district, when the affiliation of electors has acted as described in either paragraph (a) or (b) of this subsection:

- (a)
 - (A) When the affiliation of electors has filed with the Secretary of State a petition with the signatures of at least a number of electors equal to one and one-half percent of the total votes cast in the electoral district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term.
 - (B) The petition must contain only original signatures and must be filed not later than two years following the date the prospective petition is filed. The

petition must state the intention to form a new political party and designate a name for the political party.

(C) Before circulating the petition, the chief sponsor of the petition must file with the Secretary of State a signed copy of the prospective petition. The chief sponsor must include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the petition. After the prospective petition is filed, the chief sponsor must notify the filing officer not later than the 10th day after the chief sponsor first has knowledge or should have had knowledge that:

(i) Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no person would be paid for obtaining signatures of electors.

(ii) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more persons would be paid for obtaining signatures of electors.

(D) The circulator shall certify on each signature sheet that the circulator witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet and that the circulator believes each individual is an elector registered in the electoral district.

(E) The Secretary of State shall verify whether the petition contains the required number of signatures of electors. The Secretary of State may not accept a petition for filing if it contains less than 100 percent of the required number of signatures. The Secretary of State by rule shall designate a statistical sampling technique to verify whether a petition contains the required number of signatures of electors. A petition may not be rejected for the reason that it contains less than the required number of signatures unless two separate sampling processes both establish that the petition lacks the required number of signatures. The second sampling must contain a larger number of signatures than the first sampling. The Secretary of State may employ professional assistance to determine the sampling technique. The statistical sampling technique may be the same as that adopted under ORS 250.105.

(b) When the affiliation of electors has polled for any one of its candidates for any public office in the electoral district at least one percent of the total votes cast in the electoral district for all candidates for:

(A) Presidential elector at the last general election at which candidates for President and Vice President of the United States were listed on the ballot; or

(B) Any single [*state*] **voter choice** office to be voted upon in the state at large [*for which nominations by political parties are permitted by law*] at the most recent election at which a candidate for the office was elected to a full term.

(2) After satisfying either subsection (1)(a) or (b) of this section, the minor political party may nominate candidates for election at the next general election.

(3) A filing officer may not accept a certificate of nomination of a candidate nominated by a minor political party for a subsequent general election unless the minor political party has maintained status as a minor political party as described in subsection (4) of this section.

(4) In order to maintain status as a minor political party for a subsequent general election:

(a) Following each general election, at any time during the period beginning on the **90th day before the** date of the next primary election and ending on the 90th day before the next general election, a number of electors equal to at least one-quarter of one percent of the total number of registered electors in this state must be registered as members of the party; or

(b)

(A) Following each general election, at any time during the period beginning on the **90th day before the** date of the next primary election and ending on the 90th day before the next general election, a number of electors equal to at least one-tenth of one percent of the total votes cast in the state or electoral district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term must be registered as members of the party; and

(B) At least once in a four-year period, a candidate or candidates [*of*] **endorsed by** the party must poll at least one percent of the total votes cast in the electoral district **at the primary election or at the general election** for all candidates for:

(i) Presidential elector at the last general election at which candidates for President and Vice President of the United States were listed on the ballot; or

(ii) Any single [*state*] **voter choice** office to be voted upon in the state at large [*for which nominations by political parties are permitted by law at the most recent election at which a candidate for the office was elected to a full term*].

(5) An affiliation of electors that fails to maintain status as a minor political party ceases to be a minor political party on the 90th day before the date of the next general election.

(6) During the period beginning on the **90th day before** the date of the primary election and ending on the 90th day before the date of the general election, the Secretary of State shall determine at least once each month whether registration requirements to maintain status as a minor political party have been satisfied.

(7) If a minor political party changes its name, only those electors who register on or after the effective date of the name change as members of the party under the new party name shall be counted as members of the party. **If two or more minor parties merge, the members of each merging party must be counted as members of the merged party.**

[(8) An affiliation of electors or a minor political party may not nominate a candidate who is the nominee of another political party at the same election in order to satisfy the one percent requirement referred to in subsection (1)(b) or (4)(b)(B) of this section.]

(8) If a candidate is listed on the ballot as endorsed by more than one party, the candidate shall specify, on or before the 60th day before the date of the election, which party must receive credit for the votes received by the candidate for the purpose of maintaining status as a minor party.

(9) For purposes of this section, "subsequent general election" means any general election that is held after the first general election following qualification as a minor political party under subsection (1) of this section.

SECTION 36. ORS 248.009 is amended to read:

248.009. (1) A minor political party shall file with the filing officer a copy of its organizational documents establishing its process for nominating candidates for public office. The organizational documents shall be filed not later than 30 days after they are adopted. The nominating process for candidates for election at the general election shall provide an equal opportunity to all registered members of the party within the electoral district to participate in the process of making nominations or selecting the delegates who will make the nominations. A minor political party shall file copies of any changes to its organizational documents relating to nomination of candidates for public office not later than 30 days after the date any changes were made. The minor political party shall nominate candidates for public office only in accordance with the procedures set forth in its organizational documents.

(2) A minor political party shall file with the filing officer a list of any officers selected by the party. The list shall be filed not later than 10 days after any selection is made. A minor political party shall file copies of any changes to the list of officers not later than 10 days after the date any changes were made.

(3) Not later than the 10th day before any nominating convention of a minor political party, *[notice shall be published at least once in not fewer than three newspapers of general circulation within the electoral district for which the nomination will be made. If there are fewer than three newspapers of general circulation within the electoral district, notice shall be published at least once in one newspaper of general circulation within the electoral district for which the nomination will be made and other public notice shall be given that is reasonably calculated to assure that party members in the electoral district receive notice of the convention. The notice shall contain the time and place of the convention, and the office or offices for which nominations will be made.]* **the party shall publish reasonable notice of the convention, including the time and place of the convention, to the party's members.**

SECTION 37. ORS 248.007, 248.012, 248.015, 248.017, 248.019, 248.021, 248.023, 248.024, 248.026, 248.027, 248.029, 248.031, 248.033, 248.035, 248.043, 248.045, 248.072, 248.075 and 248.085 are repealed.

SECTION 38. ORS 171.051 is amended to read:

171.051. (1) When any vacancy occurs in the Legislative Assembly due to death or recall or by reason of resignation filed in writing with the Secretary of State or a person is declared disqualified by the house to which the person was elected, the vacancy shall be filled by appointment if:

- (a) The vacancy occurs during any session of the Legislative Assembly;
- (b) The vacancy occurs in the office of a state Representative before the 61st day before the general election to be held during that term of office;
- (c) The vacancy occurs in the office of a state Senator before the 61st day before the first general election to be held during that term of office;
- (d) The vacancy occurs in the office of a state Senator at any time after the 62nd day before the first general election and before the 61st day before the second general election to be held during that term of office; or
- (e) A special session of the Legislative Assembly will be convened before a successor to the office can be elected and qualified.

(2) The person appointed under the provisions of subsection (1) of this section shall be a citizen qualified to hold the office[,] **and** an elector of the affected legislative district [*and a member of the same political party for at least 180 days before the date on which the vacancy occurred. The political affiliation of a person appointed under subsection (1) of this section shall be determined under ORS 236.100*]. The appointment shall be made by the county courts or boards of county commissioners of the affected counties pursuant to ORS 171.060 to 171.064. When the provisions of ORS 171.060 (1) are applicable, the appointment shall be made from a list of not fewer than three nor more than five nominees who have signed written statements indicating that they are willing to serve furnished by the Secretary of State. If fewer than three names of nominees are furnished, a list shall not be considered to have been submitted and the county courts or boards of county commissioners shall fill the vacancy. The vacancy must be filled by appointment within 30 days after its occurrence or not later than the time set for the convening of the special session described in subsection (1)(e) of this section when that is the basis for filling the vacancy.

(3) If the appointing authority required by this section to fill the vacancy does not do so within the time allowed, the Governor shall fill the vacancy by appointment within 10 days.

(4) Notwithstanding any appointment under the provisions of subsection (1)(c) of this section, when a vacancy occurs in the office of a state Senator before the 61st day before the first general election to be held during that term of office, the remaining two years of the term of office shall be filled by the electors of the affected legislative district at the first general election.

(5) Candidates for the remaining two years of the term of office of a state Senator under subsection (4) of this section shall be nominated as provided in ORS chapter 249[, *with major political parties following the procedure set forth in ORS 249.200, except as follows:*]

[(a) A minor political party, assembly of electors or individual electors may select a nominee for any vacancy occurring before the 61st day before the first general election; and]

[(b) The Secretary of State shall accept certificates of nomination and notifications of nominees selected at a primary election or by party rule and filed with the secretary pursuant to a schedule for filing set by the Secretary of State but in any case not later than the 62nd day before the first general election].

(6) The remaining two years of the term of office of a state Senator under subsection (4) of this section will commence on the second Monday in January following the general election. Any appointment under the provisions of subsection (1)(c) of this section shall expire when a successor to the office is elected and qualified.

SECTION 39. ORS 171.060 is amended to read:

171.060. (1)

(a) When any vacancy as is mentioned in ORS 171.051 exists in the office of Senator or Representative [*affiliated with a major political party*] and that vacancy is to be filled by an appointing authority as provided in ORS 171.051, the Secretary of State forthwith shall notify [*the person designated by the party to receive such notice.*] **each party that endorsed the departing Senator or Representative as a candidate in the previous primary election for that office or endorsed the departing Senator or Representative as a candidate in the previous general election for that office.**

(b) **A party that may nominate candidates to fill the vacancy are the qualified parties. If one or more parties endorsed the departing Senator or Representative as a candidate in the previous general election for that office, those shall be the qualified parties. If no parties endorsed the departing Senator or Representative as a candidate in the previous general election for that office, the parties that endorsed the departing Senator or Representative as a candidate in the previous primary election for that office shall be the qualified parties.**

(c) [*The*] **Each qualified** party shall pursuant to party rule nominate not fewer than three nor more than five qualified persons to fill the vacancy. The nominating procedure shall reflect the principle of one-person, one-vote to accord voting weight in proportion to the number of party members represented. At the request of a party making a nomination, the county clerks of each county constituting the district in which the vacancy exists shall assist the party in determining the number of electors registered as members of the party in the district. A person shall not be nominated to fill the vacancy unless the person signs a written statement indicating that the person is willing to serve in the office of Senator or Representative. As soon as the nominees have been appointed, but no later than 20 days after the vacancy occurs, the party **or parties** shall notify the Secretary of State of the persons nominated. The notification shall be accompanied by the signed written statement of each nominee indicating that the nominee is willing to serve in the office of Senator or Representative. The Secretary of State shall notify the county courts or boards of county commissioners of the counties constituting the district in which the vacancy exists of the nominees and of the number of votes apportioned to each member of the county courts or boards of county commissioners under ORS 171.062 and 171.064. The Secretary of State shall set a time for the meeting of the county courts or boards of county commissioners in order to fill the vacancy and by rule shall establish procedures for the conduct of the meeting. If the district is composed of more than one county, the Secretary of State shall name a temporary chairperson and designate a meeting place within the

district where the county courts or boards of county commissioners shall convene for the purpose of filling the vacancy, pursuant to ORS 171.051 (2).

(2) When any vacancy as is mentioned in ORS 171.051 exists in the office of Senator or Representative [*not affiliated with a major*] **when the departing Senator or Representative was not endorsed in the prior general election for that office or in the prior primary election for that office by any political party** and that vacancy is to be filled by an appointing authority as provided in ORS 171.051, the Secretary of State forthwith shall notify the county courts or boards of county commissioners of the counties constituting the district in which the vacancy occurs of the vacancy and of the number of votes apportioned to each member of the county courts or boards of county commissioners under ORS 171.062 and 171.064. The Secretary of State shall set a time for a meeting of the county courts or boards of county commissioners and by rule shall establish procedures for the conduct of the meeting. If the district is composed of more than one county, the Secretary of State shall name a temporary chairperson and designate a meeting place within the district where the county courts or boards of county commissioners shall convene for the purpose of appointing a person to fill the vacancy.

(3) A written statement signed by a majority of those qualified to vote upon the filling of any vacancy naming the person selected to fill the vacancy and directed to the Secretary of State is conclusive evidence of the filling of the vacancy by the appointing authority named therein.

SECTION 40. ORS 171.068 is amended to read:

171.068. (1) For purposes of ORS 171.060, 171.062 and 171.064, the county court or the board of county commissioners which shall fill the vacancy in the Legislative Assembly in a district created by reapportionment shall be the county court or board of county commissioners of each county any part of which is in the district that is created by the reapportionment and includes the residence from which the former Senator or Representative was elected.

[(2) Each person nominated by a major political party to fill a vacancy in the Legislative Assembly occurring as described by ORS 171.051 in a district created by reapportionment must be registered to vote in the district from which the former Senator or Representative was elected and must have been a member of the same major political party at least 180 days before the date the vacancy to be filled occurred.]

[(3)] (2) This section shall apply only to a vacancy in the Legislative Assembly occurring after the primary election next following reapportionment and before a person has been elected and qualified to fill the vacancy.

SECTION 41. ORS 188.120 is amended to read:

188.120. (1) If a vacancy in election or office of Representative in Congress or United States Senator occurs before the 61st day before the general election, the Governor shall call a special election to fill that vacancy. If a vacancy in election or office of United States Senator occurs after the 62nd day before the general election but on or before the general election, and if the term of that office is not regularly filled at that election, the Governor shall call a special election to fill the vacancy as soon as practicable after the general election.

(2) If a special election to fill the vacancy in election or office of Representative in Congress or United States Senator is called before the 80th day after the vacancy occurs, *[each major political party shall select its nominee for the office and certify the name of the nominee to the Secretary of State. The Secretary of State shall place the name of the nominee on the ballot]* **nominations to the election shall take the form of a declaration of candidacy or nominating petition, which may be by any otherwise eligible person.**

(3) If a special election to fill the vacancy in election or office of Representative in Congress or United States Senator is called after the 79th day after the vacancy occurs, a special primary election shall be conducted by the Secretary of State for the purpose of nominating *[a candidate of each major political party]* **candidates to the special election called to fill the vacancy.** A declaration of candidacy or nominating petition may be filed not later than the 10th day following the issuance of the writ of election. **The primary election must be conducted as a voter choice primary election.**

(4) Special elections and special primary elections for voter choice office under this section shall be conducted as elections for voter choice office, except that the Secretary of State may accept nominating petitions, declarations of candidacy and party endorsements according to a schedule for filing set by the secretary.

SECTION 42. Section 43 of this 2025 Act is added to and made a part of ORS chapter 236.

SECTION 43. (1) Notwithstanding ORS 171.051, 171.060, 171.068, 236.215 and 236.217, whenever a vacancy exists in any voter choice office in this state and is to be filled by appointment, a person who is otherwise eligible may be appointed to fill the vacancy regardless of the person's affiliation or lack of affiliation with a political party.

(2) Whenever a vacancy exists in any voter choice office and is to be filled by election, the election procedure for voter choice office must be followed.

SECTION 44. ORS 236.100 is repealed.

SECTION 45. ORS 251.022 is amended to read:

251.022. (1) If a special election or special primary election is held under ORS 188.120 for the purpose of filling a vacancy in election or office of United States Senator or Representative in Congress, [*or for nominating a candidate of each major political party to fill the vacancy,*] the Secretary of State shall prepare a voters' pamphlet for each election.

(2) A voters' pamphlet prepared under subsection (1) of this section shall contain information about the candidates for nomination or election to the office of United States Senator or Representative in Congress at the special election or special primary election.

SECTION 46. ORS 251.026, as amended by section 2, chapter 55, Oregon Laws 2024, is amended to read:

251.026. (1) The Secretary of State shall prepare and have printed in the voters' pamphlet for the state primary election, the general election and any special election described in ORS 251.022 a statement containing, if applicable:

(a) Requirements for a citizen to qualify as an elector.

(b) When an elector is required to register or update a registration.

[(c) In the voters' pamphlet for the primary election, a statement of the duties and responsibilities of a precinct committeeperson to be elected at the primary election.]

[(d)] (c) Any other information the Secretary of State considers relevant to the conduct of the election.

(2) The Secretary of State, in cooperation with the county clerks, shall include:

(a) A statement on the cover of the voters' pamphlet that the pamphlet may be used to assist electors in voting; and

(b)

(A) Statements in the information section of the voters' pamphlet on the pages immediately following the page containing the Secretary of State letter, to the extent reasonably practicable, that, for residents of each county to which the voters' pamphlet is distributed:

(i) Are written in English and the 10 additional common languages for the county listed by the Secretary of State under ORS 251.167;

(ii) Explain that an electronic copy of portions of the voters' pamphlet is publicly available in that language; and

(iii) Provide the website address to the translated voters' pamphlet.

(B) The statements required under subparagraph (A) of this paragraph must be written so as to be clearly readable.

(C) The Secretary of State may adopt rules necessary to implement this paragraph.

(3) The Secretary of State may include in the voters' pamphlet the following information:

(a) Maps showing the boundaries of senatorial and representative districts.

(b) Voter registration forms.

(c) Elector instructions, including the right of an elector to request a second ballot if the first ballot is spoiled and the right of an elector to seek assistance in marking the ballot.

(4)

(a) The name of the county clerk or other filing officer may not appear in the voters' pamphlet in the county clerk's or filing officer's official capacity if the county clerk or filing officer is a candidate in the election for which the voters' pamphlet is printed.

(b) As used in this subsection, "filing officer" has the meaning given that term in ORS 254.165.

(5) For each primary or general election candidate statement, the Secretary of State shall prominently display the names of the political party official endorsements that the candidate has accepted and wishes to display, in the order specified by the candidate, preceded by the phrase "Endorsed by:".

SECTION 47. ORS 253.540 is amended to read:

253.540. (1) Any military or overseas elector may secure a ballot by submitting an application as specified in subsection (2) of this section to the clerk of the county of the military or overseas elector's residence, or to the Secretary of State. If the application is addressed to the Secretary of State, the secretary shall forward it to the appropriate county clerk.

(2) An application for a ballot by a military or overseas elector shall be made in the form of a written request and may be submitted by mail, electronic mail, a facsimile machine

or other means identified by the Secretary of State by rule. The application shall be valid for every subsequent election until the elector otherwise notifies the clerk or is no longer an elector of the county. The application shall be signed by the applicant and contain:

- (a) The name and current mailing address of the applicant;
- (b) A statement that the applicant is a citizen of the United States;
- (c) A statement that the applicant will be 18 years of age or older on the date of the election;
- (d) A statement that for more than 20 days preceding the election the applicant's home residence has been in this state, and giving the address of the last home residence;
- (e) A statement of the facts that qualify the applicant as a military or overseas elector or as the spouse or a dependent of a military or overseas elector;
- (f) A statement that the applicant is not requesting a ballot from any other state and is not voting in any other manner in the election except by the requested ballot; and
- (g) If the applicant desires to vote in a **presidential** primary election, a designation of the applicant's political party affiliation or a statement that the applicant is not affiliated with any political party. An applicant not affiliated with any political party may request a ballot for a major political party. The applicant shall be sent the ballot for the political party that the applicant requested if that political party has provided under ORS 254.365 for a primary election that admits electors not affiliated with [*any*] **that** political party.

SECTION 48. ORS 253.565 is amended to read:

253.565. (1) Any military or overseas elector may secure a special ballot for a primary election or general election by making an application under this section if the elector believes that:

- (a) The elector will be residing, stationed or working outside the territorial limits of the United States and the District of Columbia; and
- (b) The elector will be unable to vote and return a regular ballot by normal mail delivery within the period provided for regular absent electors.

(2) A military or overseas elector shall make the application for a special ballot in the form of a written request, which may be submitted by mail, electronic mail, a facsimile machine or other means identified by the Secretary of State by rule. The elector shall submit the application before the date of the applicable election to the clerk of the county of the military or overseas elector's residence or to the Secretary of State. If the application is addressed to the Secretary of State, the secretary shall forward it to the appropriate county clerk. The application shall be signed by the applicant and contain:

- (a) The name and current mailing address of the applicant;
- (b) A designation of the election for which the applicant requests a special ballot;
- (c) A statement that the applicant is a citizen of the United States;
- (d) A statement that the applicant will be 18 years of age or older on the date of the election;
- (e) A statement that for more than 20 days preceding the election the applicant's home residence has been in this state, and giving the address of the last home residence;
- (f) A statement of the facts that qualify the applicant as a military or overseas elector or as the spouse or a dependent of a military or overseas elector;
- (g) A statement of the facts that qualify the applicant to vote by means of a special ballot;
- (h) A statement that the applicant is not requesting a ballot from any other state and is not voting in any other manner in the election except by the requested special ballot; and
- (i) If the applicant requests a ballot for a **presidential** primary election, a designation of the applicant's political party affiliation or a statement that the applicant is not affiliated with any political party. An applicant not affiliated with any political party may request a ballot for a major political party. The applicant shall be sent the ballot for the political party that the applicant requested if that political party has provided under ORS 254.365 for a **presidential** primary election that admits electors not affiliated with [*any*] **that** political party.

(3) An application for a special ballot shall be valid only for the election specified in the application.

(4) The county clerk shall list on the special ballot the offices and measures scheduled to appear on the regular ballot, if known when the ballot is prepared, and provide space in which the elector may write in the elector's preference.

(5) The elector may write in the name of any eligible candidate for each office to be filled or for which nominations will be made at the election, and may vote on any measure submitted at the election.

SECTION 49. ORS 236.225 is amended to read:

236.225. (1) If vacancies exist at the same time in all of the offices of members of a county governing body, two qualified persons shall be appointed by the Governor, and one by the appointees of the Governor, to perform the duties of the offices until the vacancies are filled as provided by law. If vacancies exist at the same time in all but one of such offices, the Governor shall appoint one qualified person who, with the incumbent serving in office, shall appoint another, each to perform the duties of the offices until the vacancies are filled. If county judge is one of the offices vacant, one of the appointments made by the Governor under this section shall be to the office of county judge.

(2) When a county charter establishes a county governing body with more than three members, if a number of vacancies exist at the same time in the offices of members of that governing body so that all the remaining members do not constitute a quorum for the conduct of county business, the Governor shall appoint to the vacant offices the minimum number of qualified persons sufficient, with the incumbent members of the county governing body, to form a quorum. Persons appointed by the Governor under this subsection, together with the incumbent members serving in office, shall appoint qualified persons to the remaining vacant offices. All persons appointed under this subsection shall perform the duties of the office of member of the county governing body until the vacancies are filled as provided by law.

[(3) ORS 236.100 applies to appointments under this section.]

SECTION 50. ORS 248.006 is amended to read:

248.006. (1) An affiliation of electors becomes a major political party in this state [and is qualified to make nominations at a primary election] when a number of electors equal to at least five percent of the number of electors registered in this state **and eligible to vote** are registered as members of the party [not later than] **as of** the 275th day before the date of a primary election. *[An affiliation of electors satisfying the requirements of this subsection shall be subject to the provisions of ORS 248.007 on the date the Secretary of State determines the registration requirements are satisfied.]*

(2) The number of electors described in subsection (1) of this section shall be calculated based on the number of electors registered in this state and eligible to vote[, *as reported*

on the official abstracts of the election, at the general election immediately preceding the deadline specified in subsection (1) of this section].

(3) After an affiliation of electors becomes a major political party under subsection (1) of this section, in order to maintain status as a major political party [*subject to ORS 248.007*], the party must satisfy the registration requirement of subsection (1) of this section [*not later than*] **as of** the 275th day before each primary election.

(4) An affiliation of electors ceases to be a major political party if the registration requirements of subsection (1) of this section are not satisfied [*by*] **as of** 275th day before each primary election. The affiliation of electors ceases to be a major political party on the date the Secretary of State determines that the registration requirement is not satisfied.

SECTION 51. ORS 249.021 is amended to read:

249.021. (1)

(a) The Secretary of State by rule shall establish a new provision that must be added to every nominating petition or declaration of candidacy used for public office. The provision established under this section shall:

(A) Allow each candidate for public office to check a box indicating that the candidate does not want the residence address of the candidate to be disclosed on:

(i) Publicly accessible versions of the nominating petition or declaration of candidacy used by the candidate; or

(ii) A list of electors delivered under ORS 247.940 or 247.945; and

(B) Require that each candidate who chooses to check the box described in subparagraph (A) of this paragraph includes an alternative mailing address that will be included on each list of electors delivered under ORS 247.940 or 247.945.

(b) The residence address of a candidate who checks the box described in paragraph (a)(A) of this subsection:

(A) May not be visible on any publicly accessible nominating petition or declaration of candidacy;

(B) May not be disclosed on a list of electors delivered under ORS 247.940 or 247.945 until:

(i) The relevant filing officer determines that the person is no longer a candidate for the public office described in the nominating petition or declaration of candidacy and was not elected to that public office;

(ii) The relevant filing officer determines that a candidate who is elected to the public office described in the nominating petition or declaration of candidacy ceases to hold that public office; or

(iii) The candidate indicates to the relevant filing officer in a manner determined by the Secretary of State by rule that the candidate would like the candidate's residence address to be visible on publicly accessible nominating petitions or declarations of candidacy or to appear on lists of electors delivered under ORS 247.940 or 247.945; and

(C) Until one of the criteria in subparagraph (B) of this paragraph is satisfied, is subject to inspection as a public record under ORS 192.311 to 192.478 only to a person who has filed a written public records request.

(2)

(a) The Secretary of State shall by rule establish a method to allow any public office holder to indicate that the public office holder does not want the residence address of the public office holder to be disclosed on a list of electors delivered under ORS 247.940 or 247.945.

(b) The residence address of a public office holder who makes an indication described in paragraph (a) of this subsection:

(A) May not be disclosed on a list of electors delivered under ORS 247.940 or 247.945 until:

(i) The relevant filing officer determines that the public office holder no longer holds that public office; or

(ii) The public office holder indicates to the relevant filing officer in a manner determined by the Secretary of State by rule that the public office holder would like the public office holder's residence address to appear on lists of electors delivered under ORS 247.940 or 247.945; and

(B) Until one of the criteria in subparagraph (A) of this paragraph is satisfied, is subject to inspection as a public record under ORS 192.311 to 192.478 only to a person who has filed a written public records request.

[(3) *This section does not apply to:*]

[(a) *Nominating petitions or declarations of candidacy for candidates for precinct committeeperson; or*]

[(b) *Precinct committeepersons.*]

[(4)] (3) The Secretary of State may adopt any rules necessary to effectively implement this section.

[(5)] (4) As used in this section, "filing officer" has the meaning given that term in ORS 260.005.

SECTION 52. ORS 249.035 is amended to read:

249.035. A nominating petition[, *write-in form prepared under ORS 248.019 or 248.021*] or declaration of candidacy relating to a candidate for:

(1) State office, United States Senator or Representative in Congress shall be filed with the Secretary of State.

(2) County office [*or precinct committeeperson*] shall be filed with the county elections official.

(3) City office shall be filed with the chief city elections officer.

(4) Any elected office of a metropolitan service district under ORS chapter 268 shall be filed with the county elections official of the county in which the administrative office of the district is located.

(5) Any other office shall be filed under ORS chapter 255.

SECTION 53. ORS 249.042, ORS 249.046 and ORS 249.048 are repealed.

SECTION 54. ORS 250.042 is amended to read:

250.042. If a signature sheet of a petition is not certified by the circulator as required under ORS 198.430, 198.750, 221.031, 248.008, 249.061, [249.740,] 249.865, 250.045, 250.165, 250.265, 255.135, 261.115 and 545.025, signatures contained on the signature sheet may not be counted for purposes of determining whether the petition contains the required number of signatures of electors.

SECTION 55. This 2025 Act may not be interpreted to limit any existing authority of counties or cities with home rule charters to specify election procedures for county and city offices.

SECTION 56.(1) Sections xxx of this 2025 Act, the amendments to statutes by sections xxx of this 2025 Act and the repeal of statutes by sections xxx of this 2025 Act become operative March 1, 2027.

(2) Sections xxx of the 2025 Act, the amendments to statutes by sections xxx of this 2025 Act and the repeal of statutes by sections xxx of this 2025 Act:

(a) Apply only to appointments and elections to public office occurring on or after the operative date described in subsection (1) of this section.

(b) Apply to a certificate of nomination, nominating petition or declaration of candidacy filed before the operative date for an election to a voter choice office to be conducted on or after the operative date described in subsection (1) of this section.

(c) Apply only to vacancies occurring during terms of office for which the person originally elected for the term was elected for that term on or after the operative date described in subsection (1) of this section.

(d) Are not intended to require a change in the composition of any committee or commission described in ORS 137.658 or 244.250.

(3) The Secretary of State and the county clerks may take any action before the operative date described in subsection (1) of this section that is necessary to enable the secretary and the county clerks to exercise, on and after the operative date, all the duties, functions and powers conferred on the secretary and the county clerks by this 2025 Act.