

D R A F T

SUMMARY

Permits minor political parties to choose to nominate candidates for particular offices as part of state-sponsored primary election.

Amends requirements for status as major and minor political party.

Permits major political party and minor political party to adopt rule permitting nomination of candidate who has not been member of party for at least 180 days.

Permits minor political party to nominate replacements for vacancy in certain offices.

Requires person who wishes to be nominated or elected to public office by write-in votes to file declaration of write-in candidacy, and attest that person is legally qualified for office, by certain time on date of election. Prohibits county clerk from tallying write-in votes cast for person who does not qualify.

Repeals post-election process required to issue certification of nomination or election to person nominated or elected by write-in votes.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to elections; creating new provisions; amending ORS 171.051,
3 171.060, 171.068, 188.120, 236.215, 236.217, 248.006, 248.008, 248.315, 249.016,
4 249.020, 249.023, 249.031, 249.046, 249.048, 249.064, 249.068, 249.076, 249.078,
5 249.190, 249.200, 249.215, 249.705, 251.022, 253.540, 253.565, 254.025, 254.056,
6 254.076, 254.365, 254.370, 254.470, 254.500, 254.545, 254.555, 254.565, 254.575
7 and 255.295; repealing ORS 254.548; and prescribing an effective date.

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

9 **SECTION 1. Section 2 of this 2019 Act is added to and made a part**
10 **of ORS chapter 248.**

1 **SECTION 2.** (1) Not later than the 180th day before the date of the
2 primary election, a minor political party may file with the Secretary
3 of State a statement, in a manner designated by the secretary by rule,
4 indicating that the minor political party will nominate some or all of
5 the candidates of the minor political party at the primary election. A
6 statement filed under this subsection shall remain in effect for future
7 primary elections and special elections until the statement is with-
8 drawn on a date prior to the 180th day before the date of a primary
9 election. The statement shall also specify any requirements a write-in
10 candidate must meet in order to obtain the nomination of the minor
11 political party.

12 (2) The official primary ballot of a minor political party that files
13 a statement with the Secretary of State under subsection (1) of this
14 section shall include only those contests referenced in the statement
15 and in which at least one qualified candidate has filed a valid nomi-
16 nating petition or declaration of candidacy.

17 (3)(a) A minor political party that files a statement with the Sec-
18 retary of State under subsection (1) of this section may not select
19 candidates for the public offices referenced in the statement in the
20 manner set forth in ORS 248.009 and 249.712 to 249.850.

21 (b) Minor political party candidates for public offices that are not
22 referenced in the statement shall be selected in the manner set forth
23 in ORS 248.009 and 249.712 to 249.850.

24 **SECTION 3.** Notwithstanding section 2 of this 2019 Act, if a minor
25 political party files with the Secretary of State a statement under
26 section 2 of this 2019 Act no later than 30 days after the effective date
27 of this 2019 Act, the statement shall apply to the nomination of can-
28 didates by the minor political party for the 2020 primary election.

29 **SECTION 4.** Section 3 of this 2019 Act is repealed on January 2, 2021.

30 **SECTION 5.** ORS 248.315 is amended to read:

31 248.315. (1) After a presidential preference primary election, each major

1 political party, **or minor political party that filed a statement refer-**
2 **encing the office of President of the United States under section 2 of**
3 **this 2019 Act**, whose national affiliate holds a convention to select its
4 nominee for President of the United States shall select delegates to the na-
5 tional convention of that party.

6 (2) Delegates to the national convention of a party shall be selected in
7 the manner provided by party rules, which shall provide all electors regis-
8 tered as members of the party equal opportunity to participate in the se-
9 lection of delegates.

10 (3) Delegates to the national convention of the party shall be selected so
11 that the number of delegates who favor a certain candidate shall represent
12 the proportion of votes received by the candidate in relation to the other
13 candidates of that party at the presidential preference primary election. Each
14 person selected as a delegate shall sign a pledge that the person will con-
15 tinue to support at the national convention the candidate for President of
16 the United States the person is selected as favoring until:

17 (a) The candidate is nominated at the convention;

18 (b) The candidate receives less than 35 percent of the votes for nomi-
19 nation at the convention;

20 (c) The candidate releases the delegate from the pledge; or

21 (d) Two convention nominating ballots have been taken.

22 **SECTION 6.** ORS 249.705 is amended to read:

23 249.705. **Except as provided in section 2 of this 2019 Act**, a minor pol-
24 itical party, assembly of electors or individual electors may nominate one
25 candidate for each partisan public office to be filled at the general election
26 by preparing and filing a certificate of nomination as provided in ORS
27 249.712 to 249.850.

28 **SECTION 7.** ORS 249.016 is amended to read:

29 249.016. A candidate **for public office who seeks the nomination** of a
30 major political party, **or of a minor political party that filed a statement**
31 **under section 2 of this 2019 Act choosing to select a candidate for that**

1 public office **at the primary election**, or a candidate for nonpartisan office
2 shall be nominated only in the manner provided in ORS 249.016 to 249.205.

3 **SECTION 8.** ORS 249.020 is amended to read:

4 249.020. (1) An eligible elector may become a candidate for nonpartisan
5 office, or for the nomination to an office by the major political party, **or**
6 **minor political party that filed a statement under section 2 of this 2019**
7 **Act**, of which the elector is a member, by filing a nominating petition or a
8 declaration of candidacy.

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

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

13 **SECTION 9.** ORS 249.023 is amended to read:

14 249.023. Notwithstanding any provision of this chapter, and except as
15 provided in [*section 8,*] Article IV, **section 8**, Oregon Constitution, and [*sec-*
16 *tion 2,*] Article V, **section 2**, Oregon Constitution, an otherwise qualified
17 person [*who will attain the age of 18 years after the deadline for filing a*
18 *nominating petition or declaration of candidacy for nomination to any major*
19 *political party office and on or before the date of the primary election, and who*
20 *is registered as a member of the major political party not later than the date*
21 *of the primary election,*] is eligible to file a nominating petition for nomi-
22 nation to any **office by a major political party [office], or by a minor pol-**
23 **itical party that filed a statement under section 2 of this 2019 Act**, to
24 be listed on the ballot and to be nominated for the office, including by
25 write-in votes[.], **if the person:**

26 (1) **Will attain the age of 18 years after the deadline for filing the**
27 **nominating petition or declaration of candidacy for nomination to the**
28 **office and on or before the date of the primary election; and**

29 (2) **Is registered as a member of the major political party or minor**
30 **political party not later than the date of the primary election.**

31 **SECTION 10.** ORS 249.031 is amended to read:

1 249.031. (1) Except as provided in subsection (2) of this section, a nomi-
2 nating petition or declaration of candidacy shall contain:

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

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

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

9 (d) If the candidate is seeking the nomination of a major political party,
10 **or a minor political party that filed a statement under section 2 of this**
11 **2019 Act**, the name of the major political party **or minor political party**
12 of which the candidate will have been a member, subject to the exceptions
13 stated in ORS 249.046, during at least 180 days before the deadline for filing
14 a nominating petition or declaration of candidacy.

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

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

19 (g) If the candidate is seeking the nomination of a major political party,
20 **or a minor political party that filed a statement under section 2 of this**
21 **2019 Act**, a statement that the candidate, if not nominated, will not accept
22 the nomination or endorsement of any political party other than the one of
23 which the candidate is a member on the date the petition or declaration is
24 filed.

25 (h) The signature of the candidate.

26 (i) A statement of the candidate's occupation, educational and occupa-
27 tional background and prior governmental experience.

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

30 (3) A declaration of candidacy shall include a statement that the required
31 fee is included with the declaration.

1 (4) If required by the national rules of the major political party, the dec-
2 laration of a candidate for election as a precinct committeeperson shall in-
3 clude the name of the individual the candidate supports for President of the
4 United States or “uncommitted” or “no preference.”

5 **SECTION 11.** ORS 249.046 is amended to read:

6 249.046. (1)(a) **Except as provided in subsection (2) of this section**, if
7 a candidate has not been a member of [*the*] a major political party, **or a**
8 **minor political party that filed a statement under section 2 of this 2019**
9 **Act**, for at least 180 days before the deadline for filing a nominating petition
10 or declaration of candidacy, the candidate [*shall not be*] **is not** entitled to
11 receive the nomination of that [*major*] political party.

12 (b) If a candidate’s registration becomes inactive, the inactive status shall
13 not constitute a lapse of membership in the party if, immediately before the
14 registration became inactive, the candidate was a member of the party and
15 was not a member of any other political party within the 180 days preceding
16 the deadline for filing a nominating petition or declaration of candidacy.

17 (c) The requirement that the candidate be qualified by length of mem-
18 bership does not apply to any candidate whose 18th birthday falls within the
19 period of 180 days or to a write-in candidate.

20 (2) **A major political party, or a minor political party that filed a**
21 **statement under section 2 of this 2019 Act, may adopt a rule allowing**
22 **for the nomination of candidates who are not members of the major**
23 **political party or minor political party or who have been members of**
24 **the major political party or minor political party for less than 180 days**
25 **before the deadline for filing a nominating petition or declaration of**
26 **candidacy. A copy of a party rule adopted under this subsection must**
27 **be filed with the Secretary of State prior to the 180th day before the**
28 **date of the primary election set forth in ORS 254.056. Any party rule**
29 **adopted under this subsection shall remain in effect for future primary**
30 **elections unless the major political party or minor political party**
31 **withdraws the rule prior to the 180th day before the date of the pri-**

1 **mary election.**

2 **SECTION 12.** ORS 249.048 is amended to read:

3 249.048. A candidate for nomination of a major political party, **or a mi-**
4 **nor political party that filed a statement under section 2 of this 2019**
5 **Act**, to a public office who fails to receive the nomination may not be the
6 candidate of any other political party or a nonaffiliated candidate for the
7 same office at the succeeding general election. The filing officer may not
8 certify the name of the candidate.

9 **SECTION 13.** ORS 249.064 is amended to read:

10 249.064. (1) **Unless allowed by the political party under ORS 249.076,**
11 a nominating petition of a candidate seeking the nomination of a major
12 political party, **or a minor political party that filed a statement under**
13 **section 2 of this 2019 Act**, shall contain a statement that each elector
14 whose signature appears on the petition is a member of the same major pol-
15 itical party **or minor political party** as [is] the candidate.

16 (2) A nominating petition of any candidate shall contain the number of
17 signatures of electors required by ORS 249.068 or 249.072 and the residence
18 or mailing address and name or number of the precinct, if known, of each
19 elector whose signature appears.

20 (3) Pursuant to ORS 249.008, the county clerks or the Secretary of State
21 shall certify the signatures contained in the nominating petition for
22 genuineness.

23 **SECTION 14.** ORS 249.068, as amended by section 13, chapter 70, Oregon
24 Laws 2018, is amended to read:

25 249.068. (1) Except as otherwise provided for a candidate for nonpartisan
26 office in ORS 249.072 **or as allowed by party rule under ORS 249.076:**

27 (a) A nominating petition for an office to be voted for in the state at large
28 or for a candidate for Representative in Congress shall contain signatures
29 of members of the same major political party, **or minor political party that**
30 **filed a statement under section 2 of this 2019 Act**, as the candidate.

31 (b) Except as provided in this subsection, there shall be at least 1,000

1 signatures or the number of signatures at least equal to two percent of the
2 vote cast in the state or congressional district, as the case may be, for the
3 candidates of that major political party, **or minor political party that filed**
4 **a statement under section 2 of this 2019 Act**, for presidential electors at
5 the last presidential election, whichever is less[;].

6 [(b)] (c) For an election next following any change in the boundaries of
7 a congressional district, there shall be at least 1,000 signatures or the num-
8 ber of signatures at least equal to two percent of the average number of
9 votes cast in all congressional districts in this state, as the case may be, for
10 the candidates of that major political party, **or minor political party that**
11 **filed a statement under section 2 of this 2019 Act**, for presidential elec-
12 tors at the last presidential election, whichever is less[;].

13 [(c)] (d) In the case of a candidate nominated by a major political party,
14 **or a minor political party that filed a statement under section 2 of this**
15 **2019 Act**, that did not nominate presidential electors at the last presidential
16 election, there shall be at least 1,000 signatures **or a number of signatures**
17 **of electors equal to at least one percent of the number of votes cast**
18 **in the state for all candidates for Governor at the most recent election**
19 **at which a candidate for Governor was elected to a full term, which-**
20 **ever is less[; and].**

21 [(d)] (e) If the office is one to be voted for in the state at large, the sig-
22 natures shall include those of electors registered in at least five percent of
23 the precincts in each of at least seven counties. If the office is one to be
24 voted for in a congressional district the signatures shall include those of
25 electors registered in at least five percent of the precincts in each of at least
26 one-fourth of the counties in the congressional district.

27 (2) Except as otherwise provided in this section, or for a candidate for
28 nonpartisan office in ORS 249.072 **or as allowed by party rule under ORS**
29 **249.076:**

30 (a) A nominating petition for an office not provided for in subsection (1)
31 of this section shall contain the signatures of electors who are members of

1 the same major political party, **or minor political party that filed a**
2 **statement under section 2 of this 2019 Act**, as the candidate. There shall
3 be at least 500 signatures or the number of signatures at least equal to two
4 percent of the vote in the electoral district for the candidates of that major
5 political party **or minor political party** for presidential electors at the last
6 presidential election, whichever is less;

7 (b) In the case of **candidates of a** major political party [*candidates*], **or**
8 **of a minor political party that filed a statement under section 2 of this**
9 **2019 Act**, for the office of state Senator or state Representative[, *for*] **at** an
10 election next following any change in the boundaries of the districts of state
11 Senators or state Representatives under Article IV, section 6, of the Oregon
12 Constitution, there shall be at least 500 signatures or the number of signa-
13 tures at least equal to two percent of the average number of votes cast in
14 all state senatorial or state representative districts in this state, as the case
15 may be, for the candidates of that major political party **or minor political**
16 **party** for presidential electors at the last presidential election, whichever is
17 less;

18 (c) In the case of a candidate nominated by a major political party, **or a**
19 **minor political party that filed a statement under section 2 of this 2019**
20 **Act**, that did not nominate presidential electors at the last presidential
21 election, there shall be at least 500 signatures **or a number of signatures**
22 **equal to at least one percent of the number of votes cast in the elec-**
23 **toral district for all candidates for Governor at the most recent**
24 **election at which a candidate for Governor was elected to a full term,**
25 **whichever is less;**

26 (d) If the office under this subsection is to be voted for in more than one
27 county, the signatures shall include those of electors registered in at least
28 two counties encompassed by the electoral district, and the signatures from
29 each such county shall include those of electors registered in at least six
30 percent of the precincts of the electoral district that are located within that
31 county. If six percent of the precincts of the electoral district in one of the

1 counties or portion thereof does not constitute a whole precinct, the nomi-
2 nating petition shall contain signatures from at least one precinct in that
3 county; and

4 (e) If the office is to be voted for in only one county or in a city, the
5 signatures shall include those of electors registered in at least 10 percent
6 of the precincts in the electoral district.

7 **SECTION 15.** ORS 249.076 is amended to read:

8 249.076. (1) A person who is not a member of the same major political
9 party, **or minor political party that filed a statement under section 2**
10 **of this 2019 Act**, as the candidate for nomination by the major political
11 party **or minor political party** may not sign the nominating petition of the
12 candidate, **unless allowed by party rule filed with the Secretary of State**
13 **no later than the 180th day before the date of the primary election. A**
14 **party rule filed under this section shall remain in effect for all future**
15 **primary elections unless the rule is withdrawn prior to the 180th day**
16 **before the date of a primary election.**

17 (2) Any elector may sign:

18 (a) A nominating petition or certificate of nomination of any candidate
19 for nonpartisan office;

20 (b) A nominating petition or certificate of nomination of any nonaffiliated
21 candidate; and

22 (c) Nominating petitions or certificates of nomination for more than one
23 candidate for the same office.

24 **SECTION 16.** ORS 249.078 is amended to read:

25 249.078. (1) The name of a candidate for **nomination** by a major political
26 party [*nomination*], **or a minor political party that filed a statement**
27 **under section 2 of this 2019 Act**, for President of the United States shall
28 be printed on the ballot only:

29 (a) By direction of the Secretary of State who in the secretary's sole dis-
30 cretion has determined that the candidate's candidacy is generally advocated
31 or is recognized in national news media; or

1 (b) By nominating petition described in this section and filed with the
2 Secretary of State.

3 (2) A petition nominating a candidate under this section shall contain
4 from each congressional district the signatures of at least 1,000 electors who
5 are registered in the district and who are members of the [*major*] political
6 party of the candidate. The electors in each congressional district shall in-
7 clude electors registered in at least five percent of the precincts in each of
8 at least one-fourth of the counties in the congressional district. The petition
9 shall contain the printed name, residence or mailing address and name or
10 number of the precinct, if known, of each elector whose signature appears
11 on the petition. The signatures shall be certified for genuineness by the
12 county clerks or the Secretary of State under ORS 249.008.

13 (3) Before circulating the nominating petition, the chief sponsor shall file
14 with the Secretary of State a signed copy of the prospective petition. The
15 chief sponsor shall include with the prospective petition a statement declar-
16 ing whether one or more persons will be paid money or other valuable con-
17 sideration for obtaining signatures of electors on the petition. After the
18 prospective petition is filed, the chief sponsor shall notify the Secretary of
19 State not later than the 10th day after the chief sponsor first has knowledge
20 or should have had knowledge that:

21 (a) Any person is being paid for obtaining signatures, when the statement
22 included with the prospective petition declared that no such person would
23 be paid.

24 (b) No person is being paid for obtaining signatures, when the statement
25 included with the prospective petition declared that one or more such per-
26 sons would be paid.

27 **SECTION 17.** ORS 249.190 is amended to read:

28 249.190. (1) Except as provided in ORS 254.650, a vacancy in the nomi-
29 nation of a **candidate of a major political party** [*candidate*], **or of a minor**
30 **political party that filed a statement under section 2 of this 2019 Act,**
31 may be filled before the date of the general election by that political party

1 in a manner prescribed by party rule.

2 (2) Immediately after selecting a new nominee, the party, by the most
3 expeditious means practicable, shall notify the filing officer with whom a
4 declaration of candidacy for the office is filed of the name of the nominee.

5 (3) If the filing officer with whom a declaration of candidacy for the office
6 is filed determines that the candidate who has been nominated by a major
7 political party, **or a minor political party that filed a statement under**
8 **section 2 of this 2019 Act**, is ineligible to be elected to the office, the officer
9 shall declare the nomination vacant and the political party shall select an-
10 other candidate to fill the vacancy in the nomination as provided under this
11 section.

12 (4) The Secretary of State by rule may adopt a schedule specifying the
13 period following a vacancy within which a major political party, **or minor**
14 **political party that filed a statement under section 2 of this 2019 Act**,
15 must notify the filing officer of the name of the new nominee.

16 **SECTION 18.** ORS 249.200, as amended by section 7, chapter 70, Oregon
17 Laws 2018, is amended to read:

18 249.200. (1) A major political party, **or a minor political party that filed**
19 **a statement under section 2 of this 2019 Act**, may nominate a candidate
20 to fill a vacancy in a partisan elective office in the following manner:

21 (a) If the vacancy occurs on or before the 70th day before a nominating
22 election, by selecting a nominee at the next nominating election; or

23 (b) If the vacancy occurs after the 70th day before the nominating election
24 and on or before the 62nd day before the general election, by selecting a
25 nominee as provided by party rule.

26 (2) The procedure under subsection (1) of this section shall not apply in
27 any case in which one of the following specific procedures for filling a va-
28 cancy applies:

29 (a) The procedure specified in ORS 188.120 for the offices of Represen-
30 tative in Congress and United States Senator.

31 (b) The appointment procedure specified in ORS 171.051 to 171.064 for

1 state legislative office.

2 (c) The procedure specified in ORS chapter 236 for county office.

3 (d) The procedure specified in ORS chapter 221 for city office.

4 (3) A party that selects a nominee under subsection (1)(b) of this section,
5 immediately after the nomination, shall notify the filing officer with whom
6 a declaration of candidacy for the office is filed of the name of the nominee
7 by the most expeditious means practicable.

8 (4) The Secretary of State by rule may adopt a schedule specifying the
9 period following a vacancy within which a major political party, **or a minor**
10 **political party that filed a statement under section 2 of this 2019 Act**,
11 that selects a nominee under subsection (1)(b) of this section must notify the
12 filing officer of the name of the nominee under subsection (3) of this section.

13 **SECTION 19.** ORS 249.215, as amended by section 2, chapter 86, Oregon
14 Laws 2018, is amended to read:

15 249.215. (1) If a vacancy occurs in a state office before the 61st day before
16 the first general election to be held during that term of office, the remaining
17 two years of the term of the state office shall be filled by the electors at that
18 general election.

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

23 (3) Candidates for the remaining two years of the term of the state office
24 under this section shall be nominated as provided in this chapter, with major
25 political parties, **and minor political parties that filed statements under**
26 **section 2 of this 2019 Act**, following the procedure set forth in ORS 249.200,
27 except as follows:

28 (a) A minor political party **that did not file a statement under section**
29 **2 of this 2019 Act**, by party rule, or an assembly of electors or individual
30 electors, may select a nominee; and

31 (b) The Secretary of State shall accept certificates of nomination and

1 notifications of nominees filed with the secretary pursuant to a schedule for
2 filing set by the secretary, but in any case not later than the 62nd day before
3 the first general election.

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

7 **SECTION 20.** ORS 251.022 is amended to read:

8 251.022. (1) If a special election or special primary election is held under
9 ORS 188.120 for the purpose of filling a vacancy in election or office of
10 United States Senator or Representative in Congress, or for nominating a
11 candidate of each major political party, **or minor political party that filed**
12 **a statement under section 2 of this 2019 Act**, to fill the vacancy, the
13 Secretary of State shall prepare a voters’ pamphlet for each election.

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

18 **SECTION 21.** ORS 253.540 is amended to read:

19 253.540. (1) Any military or overseas elector may secure a ballot by sub-
20 mitting an application as specified in subsection (2) of this section to the
21 clerk of the county of the military or overseas elector’s residence, or to the
22 Secretary of State. If the application is addressed to the Secretary of State,
23 the secretary shall forward it to the appropriate county clerk.

24 (2) An application for a ballot by a military or overseas elector shall be
25 made in the form of a written request. The application shall be valid for
26 every subsequent election until the elector otherwise notifies the clerk or is
27 no longer an elector of the county. The application shall be signed by the
28 applicant and contain:

- 29 (a) The name and current mailing address of the applicant;
30 (b) A statement that the applicant is a citizen of the United States;
31 (c) A statement that the applicant will be 18 years of age or older on the

1 date of the election;

2 (d) A statement that for more than 20 days preceding the election the
3 applicant's home residence has been in this state, and giving the address of
4 the last home residence;

5 (e) A statement of the facts that qualify the applicant as a military or
6 overseas elector or as the spouse or a dependent of a military or overseas
7 elector;

8 (f) A statement that the applicant is not requesting a ballot from any
9 other state and is not voting in any other manner in the election except by
10 the requested ballot; and

11 (g) If the applicant desires to vote in a primary election, a designation
12 of the applicant's political party affiliation or a statement that the applicant
13 is not affiliated with any political party. An applicant not affiliated with any
14 **major political party or minor political party** may request a ballot for a
15 major political party, **or a minor political party that filed a statement**
16 **under section 2 of this 2019 Act.** The applicant shall be sent the ballot for
17 the political party that the applicant requested if that political party has
18 provided under ORS 254.365 for a primary election that admits electors not
19 affiliated with any political party.

20 **SECTION 22.** ORS 253.565 is amended to read:

21 253.565. (1) Any military or overseas elector may secure a special ballot
22 for a primary election or general election by making an application under
23 this section if the elector believes that:

24 (a) The elector will be residing, stationed or working outside the territo-
25 rial limits of the United States and the District of Columbia; and

26 (b) The elector will be unable to vote and return a regular ballot by
27 normal mail delivery within the period provided for regular absent electors.

28 (2) A military or overseas elector shall make the application for a special
29 ballot in the form of a written request. The elector shall submit the appli-
30 cation before the date of the applicable election to the clerk of the county
31 of the military or overseas elector's residence or to the Secretary of State.

1 If the application is addressed to the Secretary of State, the secretary shall
2 forward it to the appropriate county clerk. The application shall be signed
3 by the applicant and contain:

4 (a) The name and current mailing address of the applicant;

5 (b) A designation of the election for which the applicant requests a spe-
6 cial ballot;

7 (c) A statement that the applicant is a citizen of the United States;

8 (d) A statement that the applicant will be 18 years of age or older on the
9 date of the election;

10 (e) A statement that for more than 20 days preceding the election the
11 applicant's home residence has been in this state, and giving the address of
12 the last home residence;

13 (f) A statement of the facts that qualify the applicant as a military or
14 overseas elector or as the spouse or a dependent of a military or overseas
15 elector;

16 (g) A statement of the facts that qualify the applicant to vote by means
17 of a special ballot;

18 (h) A statement that the applicant is not requesting a ballot from any
19 other state and is not voting in any other manner in the election except by
20 the requested special ballot; and

21 (i) If the applicant requests a ballot for a primary election, a designation
22 of the applicant's political party affiliation or a statement that the applicant
23 is not affiliated with any political party. An applicant not affiliated with any
24 **major political party or minor political party** may request a ballot for a
25 major political party, **or a minor political party that filed a statement**
26 **under section 2 of this 2019 Act.** The applicant shall be sent the ballot for
27 the political party that the applicant requested if that political party has
28 provided under ORS 254.365 for a primary election that admits electors not
29 affiliated with any political party.

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

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

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

8 **SECTION 23.** ORS 254.025 is amended to read:

9 254.025. (1) Statutes applicable to primary elections shall be construed as
10 though the primary elections are separate elections for each major political
11 party **and minor political party** nominating candidates.

12 (2) The primary elections shall be conducted as nearly as possible ac-
13 cording to the theory expressed in the preamble to chapter 1, Oregon Laws
14 1905.

15 **SECTION 24.** ORS 254.056 is amended to read:

16 254.056. (1) The general election shall be held on the first Tuesday after
17 the first Monday in November of each even-numbered year. Except as pro-
18 vided in ORS 254.650, at the general election officers of the state and subdi-
19 visions of the state, members of Congress and electors of President and Vice
20 President of the United States as are to be elected in that year shall be
21 elected.

22 (2) The primary election shall be held on the third Tuesday in May of
23 each even-numbered year. At the primary election precinct committeepersons
24 shall be elected and [*major*] political party candidates shall be nominated
25 **by major political parties, and minor political parties that filed state-**
26 **ments under section 2 of this 2019 Act,** for offices to be filled at the
27 general election held in that year.

28 **SECTION 25.** ORS 254.076 is amended to read:

29 254.076. The chief elections officer shall keep a register of candidates for
30 nomination at the primary election. The register, if applicable, shall contain
31 for each major political party, **and for each minor political party, that**

1 **filed a statement under section 2 of this 2019 Act:**

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

4 (2) The name and mailing address of each candidate for nomination at the
5 primary election.

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

8 (4) The date of filing of the prospective petition for nomination of the
9 candidate.

10 (5) The date of filing of the completed petition for nomination of the
11 candidate, the number of valid signatures contained and the number of sig-
12 natures required.

13 (6) The date of filing of the declaration of candidacy of the candidate.

14 (7) Such other information as may aid the chief elections officer in ar-
15 ranging the official ballot for the primary election.

16 **SECTION 26.** ORS 254.365 is amended to read:

17 254.365. (1) An elector is not qualified or permitted to vote at any primary
18 election for any candidate of a major political party, **or a minor political**
19 **party that filed a statement under section 2 of this 2019 Act**, and it is
20 unlawful for the elector to offer to do so, unless:

21 (a) The elector is registered as being affiliated with one of the major
22 political parties **or minor political parties** nominating or electing its can-
23 didates for public office at the primary election; or

24 (b) The elector is registered as not being affiliated with any **major** poli-
25 tical party **or minor political party** and wishes to vote in the primary
26 election of a major political party, **or a minor political party that filed**
27 **a statement under section 2 of this 2019 Act**, that has provided under
28 subsection (3) of this section for a primary election that admits electors not
29 affiliated with any **qualified** political party.

30 (2) Except as provided in ORS 254.470 (3), any elector offering to vote at
31 the primary election shall be given a ballot of the major political party, **or**

1 **minor political party that filed a statement under section 2 of this 2019**
2 **Act**, with which the elector is registered as being affiliated. The elector may
3 not be given a ballot of any other political party at that primary election.
4 An elector not affiliated with any political party and offering to vote at the
5 primary election shall be given the ballot of the major political party **or**
6 **minor political party** in whose primary election the elector wishes to vote
7 if that party has provided under subsection (3) of this section for a primary
8 election that admits electors not affiliated with any political party. An
9 elector not affiliated with any **major** political party **or minor political**
10 **party** who is given a ballot of the major political party **or minor political**
11 **party** associates with the party for the purpose of voting in that primary
12 election.

13 (3)(a) Not later than the 90th day before the date of the primary election,
14 a major political party, **or a minor political party that filed a statement**
15 **under section 2 of this 2019 Act**, may file with the Secretary of State a
16 certified copy of the current party rule allowing an elector not affiliated
17 with any political party to vote in the party's primary election. The party
18 may not repeal the rule as filed during the 90 days before the primary
19 election. The rule shall continue to be effective after the date of the primary
20 election until the party gives written notice to the Secretary of State that
21 the rule has been repealed. Except as provided in paragraph (b) of this sub-
22 section, a party rule under this subsection may limit the candidates for
23 whom an elector who is not affiliated with any political party may vote.

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

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

31 **SECTION 27.** ORS 254.370 is amended to read:

1 254.370. The county clerk shall maintain:

2 (1) A monthly registration record of all electors registered as not being
3 affiliated with any political party;

4 (2) At each primary election, a record of the number of electors who:

5 (a) Voted from each major political party; **and**

6 (b) **Voted from each minor political party that filed a statement**
7 **under section 2 of this 2019 Act;**

8 (3) A record of all electors registered as not being affiliated with any
9 **major** political party **or minor political party** who vote in a primary
10 election of a major political party **or a minor political party** that has
11 provided under ORS 254.365 for a primary election that admits electors not
12 affiliated with any political party; and

13 (4) A record of all electors registered as not being affiliated with any
14 political party who vote in the general election.

15 **SECTION 28.** ORS 254.470, as amended by section 4, chapter 70, Oregon
16 Laws 2018, is amended to read:

17 254.470. (1) The Secretary of State by rule shall establish requirements
18 and criteria for the designation of places of deposit for the ballots cast in
19 an election. The rules shall also specify the dates and times the places of
20 deposit must be open and the security requirements for the places of deposit.
21 At a minimum, the places designated under this section shall be open on the
22 date of the election for a period of eight or more hours, but must be open
23 until at least 8 p.m. At each place of deposit designated under this section,
24 the county clerk shall prominently display a sign stating that the location
25 is an official ballot drop site.

26 (2)(a) Except as provided in paragraphs (b) and (c) of this subsection, the
27 county clerk shall mail by nonforwardable mail an official ballot with a re-
28 turn identification envelope and a secrecy envelope not sooner than the 20th
29 day before the date of an election and not later than the 14th day before the
30 date of the election, to each active elector of the electoral district as of the
31 21st day before the date of the election.

1 (b) If the county clerk determines that an active elector of the electoral
 2 district as of the 21st day before the date of the election does not receive
 3 daily mail service from the United States Postal Service, the county clerk
 4 shall mail by nonforwardable mail an official ballot with a return identifi-
 5 cation envelope and a secrecy envelope to the elector not sooner than the
 6 20th day before the date of an election and not later than the 18th day before
 7 the date of the election.

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

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

12 (a) The county clerk shall mail the official ballot of a major political
 13 party, **or a minor political party that filed a statement under section**
 14 **2 of this 2019 Act**, to each elector who is registered as being affiliated with
 15 the [*major*] political party as of the 21st day before the date of the election.

16 (b) The county clerk shall mail the official ballot of a major political
 17 party, **or a minor political party that filed a statement under section**
 18 **2 of this 2019 Act**, to an elector not affiliated with any **major** political
 19 party **or minor political party** if the elector has applied for the ballot as
 20 provided in this subsection and that party has provided under ORS 254.365
 21 for a primary election that admits electors not affiliated with any political
 22 party.

23 (c) An elector not affiliated with any **major** political party **or minor**
 24 **political party** who wishes to vote in the primary election of a major poli-
 25 tical party, **or a minor political party that filed a statement under**
 26 **section 2 of this 2019 Act**, shall apply to the county clerk in writing. The
 27 application must be completed, signed and submitted by the elector elec-
 28 tronically, in person or by mail, in a manner determined by the secretary by
 29 rule and must indicate which **ballot of a** major political party [*ballot*], **or**
 30 **a minor political party that filed a statement under section 2 of this**
 31 **2019 Act**, the elector wishes to receive. Except for electors described in

1 subsection (4) of this section, and subject to ORS 247.203, the application
2 must be received by the county clerk not later than 5 p.m. of the 21st day
3 before the date of the election.

4 (d) If the primary election ballot includes city, county or nonpartisan of-
5 fices or measures, the county clerk shall mail to each elector who is not el-
6 igible to vote for party candidates a ballot limited to those offices and
7 measures for which the elector is eligible to vote.

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

14 (5) The ballot shall contain the following warning:

15

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

19

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

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

27 (c) The ballot must be returned in the return identification envelope. If
28 the elector returns the ballot by mail, the elector must provide the postage.

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

1 ballot.

2 (e) A ballot must be received at the office of the county clerk, at the
3 designated place of deposit or at any location described in ORS 254.472 or
4 254.474 not later than the end of the period determined under subsection (1)
5 of this section on the date of the election.

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

16 (8) A ballot shall be counted only if:

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

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

20 (c) The signature is verified as provided in subsection (9) of this section.

21 (9) The county clerk shall verify the signature of each elector on the re-
22 turn identification envelope with the signature on the elector's registration
23 record, according to the procedure provided by rules adopted by the Secre-
24 tary of State. If the county clerk determines that an elector to whom a re-
25 placement ballot has been issued has voted more than once, the county clerk
26 shall count only one ballot cast by that elector.

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

1 **SECTION 29.** ORS 254.555 is amended to read:

2 254.555. (1) [*Except as provided in ORS 254.548,*] Not later than the 30th
3 day after any election, the Secretary of State, regarding offices for which the
4 secretary receives filings for nomination, shall:

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

7 (b) Enter in a register of nominations after the primary election the name
8 and, if applicable, major political party **or minor political party** of each
9 candidate nominated, the office for which the candidate is nominated and the
10 date of entry.

11 (c) **Subject to ORS 254.500,** prepare and deliver a certificate of nomi-
12 nation or election to each candidate having the most votes for nomination
13 for or election to the office. The Secretary of State shall sign the certificate
14 under the seal of the state.

15 (d) Issue a proclamation declaring the election of candidates to the of-
16 fices.

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

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

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

25 **SECTION 30.** ORS 254.565 is amended to read:

26 254.565. [*Subject to ORS 254.548,*] The chief city elections officer:

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

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

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

31 (c) If applicable, the name of the major political party **or minor political**

1 **party** nominating the candidate.

2 (d) The date of the entry.

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

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

9 **SECTION 31.** ORS 254.575 is amended to read:

10 254.575. When two or more candidates for the same office, after a full
11 recount of votes, have an equal and the highest number of votes:

12 (1) For election to state Senator or Representative, a party office, or a
13 public office for which the elections officer is other than the Secretary of
14 State, the elections officer shall have the candidates meet publicly to decide
15 by lot who is elected.

16 (2) For election to a public office other than Governor or those referred
17 to in subsection (1) of this section, the Secretary of State by proclamation
18 shall order a new election to fill the office.

19 (3) For election to Governor, the Legislative Assembly at the beginning
20 of the next regular session shall meet jointly and elect one of the candidates.

21 (4) For nomination by one major political party, **or by one minor poli-**
22 **tical party that filed a statement under section 2 of this 2019 Act,** to
23 an office, the elections officer who receives filings for nomination to the of-
24 fice shall have the candidates meet publicly to decide by lot who is nomi-
25 nated.

26 **SECTION 32.** ORS 171.051, as amended by section 1, chapter 86, Oregon
27 Laws 2018, is amended to read:

28 171.051. (1) When any vacancy occurs in the Legislative Assembly due to
29 death or recall or by reason of resignation filed in writing with the Secretary
30 of State or a person is declared disqualified by the house to which the person
31 was elected, the vacancy shall be filled by appointment if:

1 (a) The vacancy occurs during any session of the Legislative Assembly;

2 (b) The vacancy occurs in the office of a state Representative before the
3 61st day before the general election to be held during that term of office;

4 (c) The vacancy occurs in the office of a state Senator before the 61st day
5 before the first general election to be held during that term of office;

6 (d) The vacancy occurs in the office of a state Senator at any time after
7 the 62nd day before the first general election and before the 61st day before
8 the second general election to be held during that term of office; or

9 (e) A special session of the Legislative Assembly will be convened before
10 a successor to the office can be elected and qualified.

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

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

31 (4) Notwithstanding any appointment under the provisions of subsection

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

5 (5) Candidates for the remaining two years of the term of office of a state
 6 Senator under subsection (4) of this section shall be nominated as provided
 7 in ORS chapter 249, with major political parties, **and minor political par-**
 8 **ties that filed statements under section 2 of this 2019 Act**, following the
 9 procedure set forth in ORS 249.200, except as follows:

10 (a) A minor political party[,] **that did not file a statement under sec-**
 11 **tion 2 of this 2019 Act or an** assembly of electors or individual electors
 12 may select a nominee for any vacancy occurring before the 61st day before
 13 the first general election; and

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

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

24 **SECTION 33.** ORS 248.008 is amended to read:

25 248.008. (1) An affiliation of electors becomes a minor political party in
 26 the state, a county or other electoral district, qualified to make nominations
 27 for public office in that electoral district and in any other electoral district
 28 wholly contained within the electoral district, when the affiliation of elec-
 29 tors has acted as described in either paragraph (a) or (b) of this subsection:

30 (a)(A) When the affiliation of electors has filed with the Secretary of
 31 State a petition with the signatures of at least a number of electors equal

1 to one and one-half percent of the total votes cast in the electoral district
2 for all candidates for Governor at the most recent election at which a can-
3 didate for Governor was elected to a full term.

4 (B) The petition must contain only original signatures and must be filed
5 not later than two years following the date the prospective petition is filed.
6 The petition must state the intention to form a new political party and des-
7 ignate a name for the political party.

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

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

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

22 (D) The circulator shall certify on each signature sheet that the
23 circulator witnessed the signing of the signature sheet by each individual
24 whose signature appears on the signature sheet and that the circulator be-
25 lieves each individual is an elector registered in the electoral district.

26 (E) The Secretary of State shall verify whether the petition contains the
27 required number of signatures of electors. The Secretary of State may not
28 accept a petition for filing if it contains less than 100 percent of the required
29 number of signatures. The Secretary of State by rule shall designate a sta-
30 tistical sampling technique to verify whether a petition contains the required
31 number of signatures of electors. A petition may not be rejected for the

1 reason that it contains less than the required number of signatures unless
2 two separate sampling processes both establish that the petition lacks the
3 required number of signatures. The second sampling must contain a larger
4 number of signatures than the first sampling. The Secretary of State may
5 employ professional assistance to determine the sampling technique. The
6 statistical sampling technique may be the same as that adopted under ORS
7 250.105.

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

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

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

17 (2) After satisfying either subsection (1)(a) or (b) of this section, the mi-
18 nor political party may nominate candidates for election at the next general
19 election.

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

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

26 (a) Following each general election, at any time during the period begin-
27 ning on the date of the next primary election and ending on the 90th day
28 before the next general election, a number of electors equal to at least one-
29 half of one percent of the total number of registered electors in this state
30 **who are affiliated with a major political party or a minor political**
31 **party** must be registered as members of the party; or

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

8 (B) At least once in a four-year period, a candidate or candidates of the
9 party must poll at least one percent of the total votes cast in the electoral
10 district for all candidates for:

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

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

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

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

24 (7) If a minor political party changes its name, only those electors who
25 register on or after the effective date of the name change as members of the
26 party under the new party name shall be counted as members of the party.

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

31 (9) For purposes of this section, “subsequent general election” means any

1 general election that is held after the first general election following quali-
2 fication as a minor political party under subsection (1) of this section.

3 **SECTION 34.** ORS 248.006 is amended to read:

4 248.006. (1) An affiliation of electors becomes a major political party in
5 this state and is qualified to make nominations at a primary election when
6 a number of electors equal to at least five percent of the number of electors
7 registered in this state **who are affiliated with a major political party**
8 **or a minor political party** are registered as members of the party not later
9 than the 275th day before the date of a primary election. An affiliation of
10 electors satisfying the requirements of this subsection shall be subject to the
11 provisions of ORS 248.007 on the date the Secretary of State determines the
12 registration requirements are satisfied.

13 (2) The number of electors described in subsection (1) of this section shall
14 be calculated based on the number of electors registered in this state, **affil-**
15 **iated with a major political party or a minor political party** and eligible
16 to vote, as reported on the official abstracts of the election, at the general
17 election immediately preceding the deadline specified in subsection (1) of this
18 section.

19 (3) After an affiliation of electors becomes a major political party under
20 subsection (1) of this section, in order to maintain status as a major political
21 party subject to ORS 248.007, the party must satisfy the registration re-
22 quirement of subsection (1) of this section not later than the 275th day before
23 each primary election.

24 (4) An affiliation of electors ceases to be a major political party if the
25 registration requirements of subsection (1) of this section are not satisfied
26 by the 275th day before each primary election. The affiliation of electors
27 ceases to be a major political party on the date the Secretary of State de-
28 termines that the registration requirement is not satisfied.

29 (5) When an affiliation of electors has not satisfied the registration re-
30 quirement of subsection (1) of this section for the first time, at the request
31 of a representative of the affiliation of electors, the Secretary of State shall

1 determine not less than once each month whether at least five percent of the
2 number of eligible electors registered in this state **who are affiliated with**
3 **a major political party or a minor political party** are registered as
4 members of the party. After an affiliation of electors has qualified as a major
5 political party, the Secretary of State shall determine on the 271st day before
6 each primary election whether the major political party has satisfied the
7 registration requirements described in subsection (3) of this section.

8 **SECTION 35.** ORS 171.060 is amended to read:

9 171.060. (1) When any vacancy as is mentioned in ORS 171.051 exists in
10 the office of Senator or Representative affiliated with a major political party
11 **or a minor political party** and that vacancy is to be filled by an appointing
12 authority as provided in ORS 171.051, the Secretary of State forthwith shall
13 notify the person designated by the party to receive such notice. The party
14 shall pursuant to party rule nominate not fewer than three nor more than
15 five qualified persons to fill the vacancy. The nominating procedure shall
16 reflect the principle of one-person, one-vote to accord voting weight in pro-
17 portion to the number of party members represented. At the request of a
18 party making a nomination, the county clerks of each county constituting
19 the district in which the vacancy exists shall assist the party in determining
20 the number of electors registered as members of the party in the district. A
21 person shall not be nominated to fill the vacancy unless the person signs a
22 written statement indicating that the person is willing to serve in the office
23 of Senator or Representative. As soon as the nominees have been appointed,
24 but no later than 20 days after the vacancy occurs, the party shall notify the
25 Secretary of State of the persons nominated. The notification shall be ac-
26 companied by the signed written statement of each nominee indicating that
27 the nominee is willing to serve in the office of Senator or Representative.
28 The Secretary of State shall notify the county courts or boards of county
29 commissioners of the counties constituting the district in which the vacancy
30 exists of the nominees and of the number of votes apportioned to each
31 member of the county courts or boards of county commissioners under ORS

1 171.062 and 171.064. The Secretary of State shall set a time for the meeting
2 of the county courts or boards of county commissioners in order to fill the
3 vacancy and by rule shall establish procedures for the conduct of the meet-
4 ing. If the district is composed of more than one county, the Secretary of
5 State shall name a temporary chairperson and designate a meeting place
6 within the district where the county courts or boards of county commis-
7 sioners shall convene for the purpose of filling the vacancy, pursuant to ORS
8 171.051 (2).

9 (2) When any vacancy as is mentioned in ORS 171.051 exists in the office
10 of Senator or Representative not affiliated with a major political party **or**
11 **a minor political party** and that vacancy is to be filled by an appointing
12 authority as provided in ORS 171.051, the Secretary of State forthwith shall
13 notify the county courts or boards of county commissioners of the counties
14 constituting the district in which the vacancy occurs of the vacancy and of
15 the number of votes apportioned to each member of the county courts or
16 boards of county commissioners under ORS 171.062 and 171.064. The Secre-
17 tary of State shall set a time for a meeting of the county courts or boards
18 of county commissioners and by rule shall establish procedures for the con-
19 duct of the meeting. If the district is composed of more than one county, the
20 Secretary of State shall name a temporary chairperson and designate a
21 meeting place within the district where the county courts or boards of
22 county commissioners shall convene for the purpose of appointing a person
23 to fill the vacancy.

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

28 **SECTION 36.** ORS 171.068 is amended to read:

29 171.068. (1) For purposes of ORS 171.060, 171.062 and 171.064, the county
30 court or the board of county commissioners which shall fill the vacancy in
31 the Legislative Assembly in a district created by reapportionment shall be

1 the county court or board of county commissioners of each county any part
 2 of which is in the district that is created by the reapportionment and in-
 3 cludes the residence from which the former Senator or Representative was
 4 elected.

5 (2) Each person nominated by a major political party **or a minor poli-**
 6 **tical party** to fill a vacancy in the Legislative Assembly occurring as de-
 7 scribed by ORS 171.051 in a district created by reapportionment must be
 8 registered to vote in the district from which the former Senator or Repre-
 9 sentative was elected and must have been a member of the same major poli-
 10 tical party **or minor political party** at least 180 days before the date the
 11 vacancy to be filled occurred.

12 (3) This section shall apply only to a vacancy in the Legislative Assembly
 13 occurring after the primary election next following reapportionment and be-
 14 fore a person has been elected and qualified to fill the vacancy.

15 **SECTION 37.** ORS 236.215 is amended to read:

16 236.215. (1) When a vacancy occurs in the partisan elective office of
 17 county judge who does not exercise judicial functions or county commis-
 18 sioner, the remaining members of the county court or board of county com-
 19 missioners of the county, pursuant to ORS 236.217, shall appoint a person
 20 qualified to hold office who is an elector of the county to perform the duties
 21 of the office until the term of office expires or the vacancy is filled by
 22 election.

23 (2) When the provisions of ORS 236.217 apply, the appointment shall be
 24 made from a list of not fewer than three nor more than five nominees fur-
 25 nished by the county clerks. If fewer than three names of nominees are fur-
 26 nished or if no list is received by the appointing authority, the county court
 27 or board of county commissioners may consider additional qualified persons.
 28 The person so appointed must have been a member of the same major poli-
 29 tical party **or minor political party as the person vacating the office** at
 30 least 180 days before the date the vacancy to be filled occurred.

31 (3) The vacancy must be filled by appointment within 30 days after its

1 occurrence.

2 **SECTION 38.** ORS 236.217 is amended to read:

3 236.217. When any vacancy under ORS 236.215 exists in any partisan
4 elective office of county judge who does not exercise judicial functions or
5 county commissioner occupied by a member of a major political party **or a**
6 **minor political party** and that vacancy is to be filled by an appointing
7 authority as provided in ORS 236.215, the major political party **or minor**
8 **political party** pursuant to party rule shall nominate not fewer than three
9 nor more than five qualified persons to fill the vacancy. The nominating
10 procedure shall reflect the principle of one-person, one-vote to accord voting
11 weight in proportion to the number of party members represented. At the
12 request of a party making a nomination, the county clerk or chief elections
13 officer of the county in which the vacancy exists shall assist the party in
14 determining the number of electors registered as members of the party in the
15 electoral district. As soon as the nominees have been appointed, but no later
16 than 20 days after the vacancy occurs, the party shall notify the county clerk
17 of the persons nominated. The county clerk shall notify the remaining mem-
18 bers of the county court or board of county commissioners of the county in
19 which the vacancy exists of the nominees.

20 **SECTION 39.** ORS 188.120 is amended to read:

21 188.120. (1) If a vacancy in election or office of Representative in Congress
22 or United States Senator occurs before the 61st day before the general
23 election, the Governor shall call a special election to fill that vacancy. If a
24 vacancy in election or office of United States Senator occurs after the 62nd
25 day before the general election but on or before the general election, and if
26 the term of that office is not regularly filled at that election, the Governor
27 shall call a special election to fill the vacancy as soon as practicable after
28 the general election.

29 (2) If a special election to fill the vacancy in election or office of Repre-
30 sentative in Congress or United States Senator is called before the 80th day
31 after the vacancy occurs, each major political party **or minor political**

1 **party** shall select its nominee for the office and certify the name of the
2 nominee to the Secretary of State. The Secretary of State shall place the
3 name of the nominee on the ballot.

4 (3) If a special election to fill the vacancy in election or office of Repre-
5 sentative in Congress or United States Senator is called after the 79th day
6 after the vacancy occurs, a special primary election shall be conducted by
7 the Secretary of State for the purpose of nominating a candidate of each
8 major political party. **A minor political party may nominate a candidate**
9 **in accordance with the rules of the minor political party.** A declaration
10 of candidacy or nominating petition may be filed not later than the 10th day
11 following the issuance of the writ of election.

12 **SECTION 40. Sections 41, 42 and 43 of this 2019 Act are added to and**
13 **made a part of ORS chapter 254.**

14 **SECTION 41. (1) A person who wishes to be nominated or elected**
15 **to a public office by write-in votes must file with the filing officer a**
16 **declaration of write-in candidacy. The declaration shall be made on a**
17 **form designed by the Secretary of State by rule and must be filed no**
18 **later than 8 p.m. on the date of the election. The form designed by the**
19 **secretary must require that the person:**

20 (a) **Attest that the person is legally qualified to assume the duties**
21 **of the public office; and**

22 (b) **Provide the electronic mail address of the person.**

23 (2) **Upon receipt of a declaration of write-in candidacy filed under**
24 **subsection (1) of this section, the filing officer shall take actions the**
25 **filing officer deems necessary to determine whether the person filing**
26 **the declaration meets the qualifications to assume the duties of the**
27 **public office. If the filing officer determines that the person meets the**
28 **qualifications, the filing officer shall ensure that the county clerk**
29 **tallies any write-in votes cast for the person.**

30 (3) **If a person does not qualify under subsection (2) of this section**
31 **to have the county clerk tally any write-in votes cast for the person,**

1 **the county clerk may not tally any write-in votes cast for the person.**

2 **(4) As used in this section, “filing officer” has the meaning given**
3 **that term in ORS 254.165.**

4 **SECTION 42. (1) Not later than the 180th day before the date of the**
5 **primary election, a major political party or a minor political party**
6 **may file a party rule with the Secretary of State requiring that a**
7 **write-in candidate obtain a minimum vote threshold in order to secure**
8 **the nomination of the political party.**

9 **(2) Any threshold identified in a party rule submitted under sub-**
10 **section (1) of this section must apply equally to all persons receiving**
11 **write-in votes for the same office.**

12 **(3) If a political party files a party rule under subsection (1) of this**
13 **section, the party rule shall remain in effect for all future primary**
14 **elections unless the political party withdraws the party rule prior to**
15 **the 180th day before the date of a primary election.**

16 **SECTION 43. (1) Following a primary election, each county in this**
17 **state shall submit a certified statement to the Oregon Department of**
18 **Administrative Services that sets forth the costs incurred by the**
19 **county in holding the primary election.**

20 **(2) The department shall reimburse the county ____ percent of the**
21 **costs identified in subsection (1) of this section.**

22 **SECTION 44. ORS 254.500 is amended to read:**

23 **254.500. (1) This section governs the tally of votes cast for persons whose**
24 **names were not printed on the ballot but are written in by electors.**

25 **(2) The county clerk shall tally only those write-in votes that were**
26 **cast for persons who have qualified under section 41 (2) of this 2019**
27 **Act as a write-in candidate.** All such write-in votes for each office on the
28 ballot shall be tallied together, except as follows:

29 **(a) If the total number of write-in votes for candidates for the same**
30 **nomination or office equals or exceeds the number of votes cast for any**
31 **candidate for the same nomination or office on the ballot who appears to**

1 have been nominated or elected, the county clerk shall tally all write-in
2 votes cast for the office to show the total number of votes cast for each
3 write-in candidate.

4 (b) If no names of candidates are printed on the ballot for an office, the
5 county clerk shall tally the votes cast for each candidate for the office who
6 received a vote.

7 [(2)] (3) No person other than the county clerk, a member of a counting
8 board or any other elections official designated by the county clerk may tally
9 write-in votes.

10 **SECTION 45. ORS 254.548 is repealed.**

11 **SECTION 46.** ORS 254.545 is amended to read:

12 254.545. [*Subject to ORS 254.548,*] The county clerk:

13 (1) As soon as possible after any election, shall prepare abstracts of votes.
14 The abstract for election of Governor shall be on a sheet separate from the
15 abstracts for other offices and measures.

16 (2) On completion of the abstracts, shall record a complete summary of
17 votes cast in the county for each office, candidate for office and measure.
18 The county clerk shall sign and certify this record.

19 (3) Not later than the 20th day after the election, shall deliver a copy of
20 the abstracts for other than county offices to the appropriate elections offi-
21 cials. The abstract for election of Governor shall be delivered separately to
22 the Secretary of State as provided in [*section 4,*] Article V, **section 4**, Oregon
23 Constitution.

24 (4) Not later than the 30th day after the election, shall proclaim which
25 county measure is paramount, if two or more approved county measures
26 contain conflicting provisions.

27 (5) **Subject to ORS 254.500**, shall prepare and deliver a certificate of
28 nomination or election to each candidate having the most votes for nomi-
29 nation for or election to county or precinct offices.

30 (6) Shall prepare, and file with the county governing body, a certificate
31 stating the compensation to which the board clerks are entitled. The county

1 governing body shall order the compensation paid by county funds.

2 (7) As soon as possible after any election, shall send electronically the
3 results of the election in each precinct to the Secretary of State.

4 **SECTION 47.** ORS 255.295, as amended by section 10, chapter 70, Oregon
5 Laws 2018, is amended to read:

6 255.295. (1) Not later than the 20th day after the date of an election, the
7 elections officer shall prepare an abstract of the votes and deliver it to the
8 district elections authority. Not later than the 45th day after the date of an
9 election, the district elections authority shall determine from it the result
10 of the election.

11 (2) [*Subject to ORS 254.548,*] The elections officer may issue a certificate
12 of election only after the district elections authority has notified the
13 elections officer in writing of the result of the election.

14 **SECTION 48.** **This 2019 Act takes effect on the 91st day after the**
15 **date on which the 2019 regular session of the Eightieth Legislative**
16 **Assembly adjourns sine die.**

17
