

D R A F T

SUMMARY

Establishes nonaffiliated primary election in which electors who are not affiliated with major political party or minor political party may select nominee who is not affiliated with major political party or minor political party to appear on general election ballot.

A BILL FOR AN ACT

1
2 Relating to nonaffiliated primary elections; creating new provisions; and
3 amending ORS 249.016, 249.020, 249.023, 249.031, 249.042, 249.046, 249.048,
4 249.064, 249.068, 249.072, 249.076, 249.078, 254.135, 254.365, 254.370 and
5 254.470.

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

7 **SECTION 1. Section 2 of this 2019 Act is added to and made a part**
8 **of ORS chapter 249.**

9 **SECTION 2. (1) At each primary election, the Secretary of State**
10 **shall conduct a nonaffiliated primary election to select a nominee that**
11 **is not affiliated with a major political party or a minor political party**
12 **for each partisan public office that will appear on the general election**
13 **ballot.**

14 **(2) Only an elector who is not affiliated with a major political party**
15 **or a minor political party is qualified to:**

16 **(a) Be a candidate for nomination in the nonaffiliated primary**
17 **election; or**

18 **(b) Cast a ballot in the nonaffiliated primary election.**

19 **(3) A candidate for nomination in the nonaffiliated primary election**

1 shall be nominated in the manner provided in ORS 249.016 to 249.205.

2 (4) A person shall be declared the winner of the nomination for the
3 public office for which the person is a candidate, in the nonaffiliated
4 primary election, and is qualified to appear on the ballot as a candi-
5 date for that public office at the general election, if the person:

6 (a) Meets the qualifications for the public office for which the per-
7 son is a candidate;

8 (b) Is not affiliated with a major political party or a minor political
9 party;

10 (c) Is a candidate for nomination in the nonaffiliated primary
11 election or is determined to be a write-in candidate under subsection
12 (5) of this section; and

13 (d) Receives the most votes for the public office in the nonaffiliated
14 primary election.

15 (5)(a) A person who wishes to be nominated as a nonaffiliated can-
16 didate to a partisan public office at the nonaffiliated primary election
17 by write-in votes must file with the filing officer a declaration of
18 write-in candidacy. The declaration shall be made on a form designed
19 by the Secretary of State by rule and must be filed no later than 8 p.m.
20 on the date of the election. The form designed by the Secretary of
21 State must require that the person:

22 (A) Attest that the person meets the qualifications for the public
23 office;

24 (B) Attest that the person is not affiliated with a major political
25 party or a minor political party; and

26 (C) Provide the electronic mail address of the person.

27 (b) Upon receipt of a declaration of write-in candidacy filed under
28 paragraph (a) of this subsection, the filing officer shall take actions
29 the filing officer deems necessary to determine that the person filing
30 the declaration is not affiliated with a major political party or a minor
31 political party and that the person filing the declaration meets the

1 **qualifications for the public office.**

2 **(c) If the filing officer determines that a person meets the require-**
3 **ments under paragraph (b) of this subsection, the filing officer shall**
4 **ensure that the county clerk tallies any write-in votes cast for the**
5 **person. If the filing officer determines that a person does not meet the**
6 **requirements under paragraph (b) of this subsection, the county clerk**
7 **may not tally any write-in votes cast for the person.**

8 **(d) As used in this subsection, “filing officer” has the meaning**
9 **given that term in ORS 254.165.**

10 **(6) The Secretary of State may adopt rules necessary to implement**
11 **this section.**

12 **SECTION 3. Section 4 of this 2019 Act is added to and made a part**
13 **of ORS chapter 254.**

14 **SECTION 4. (1) The official nonaffiliated primary election ballot**
15 **shall be styled “Official Nonaffiliated Primary Nominating Ballot.” and**
16 **shall state:**

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

18 **(b) The date of the primary election.**

19 **(c) The names of all candidates for nomination at the primary**
20 **election who have qualified for the nonaffiliated primary election un-**
21 **der section 2 of this 2019 Act, and who have not died, withdrawn or**
22 **become disqualified.**

23 **(2) The ballot may not reference a partisan office for which no in-**
24 **dividual qualified as a candidate for nomination in the nonaffiliated**
25 **primary election under section 2 of this 2019 Act.**

26 **(3) Except as provided in subsection (2) of this section, the ballot**
27 **may include any city, county or nonpartisan office or the number,**
28 **ballot title and financial estimates under ORS 250.125 of any measure.**

29 **(4) The ballot may not contain the name of any person other than**
30 **those referred to in subsections (1) to (3) of this section. The name**
31 **of each candidate who has qualified for the nonaffiliated primary**

1 election under section 2 of this 2019 Act shall be printed on the ballot
2 in but one place, except in circumstances where a candidate may hold
3 more than one office or nomination without violating ORS 249.013. In
4 the event that two or more candidates for the same nomination or
5 office have the same or similar surnames, the location of their places
6 of residence shall be printed with their names to distinguish one from
7 another.

8 (5) The Secretary of State may adopt rules necessary to implement
9 this section.

10 **SECTION 5.** Section 6 of this 2019 Act is added to and made a part
11 of ORS chapter 251.

12 **SECTION 6.** When producing a voters' pamphlet for a statewide
13 primary election, the Secretary of State and county clerk shall place
14 together, in a separate section of the pamphlet, the portraits and
15 statements of candidates for nomination in the nonaffiliated primary
16 election established under section 2 of this 2019 Act.

17 **SECTION 7.** (1) Following a primary election, each county in this
18 state shall submit a certified statement to the Oregon Department of
19 Administrative Services that sets forth the costs incurred by the
20 county in holding the primary election.

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

23 **SECTION 8.** ORS 249.016 is amended to read:

24 249.016. A candidate of a major political party for public office, a can-
25 didate for nomination in the nonaffiliated primary election established
26 under section 2 of this 2019 Act or a candidate for nonpartisan office shall
27 be nominated only in the manner provided in ORS 249.016 to 249.205 and
28 section 2 of this 2019 Act.

29 **SECTION 9.** ORS 249.020 is amended to read:

30 249.020. (1) An eligible elector may become a candidate for nonpartisan
31 office, a candidate for nomination in the nonaffiliated primary election

1 **established under section 2 of this 2019 Act** or a **candidate** for the nom-
2 ination to an office by the major political party of which the elector is a
3 member, by filing a nominating petition or a declaration of candidacy.

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

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

8 **SECTION 10.** ORS 249.023 is amended to read:

9 249.023. Notwithstanding any provision of this chapter, and except as
10 provided in [*section 8,*] Article IV, **section 8**, Oregon Constitution, and [*sec-*
11 *tion 2,*] Article V, **section 2**, Oregon Constitution, an otherwise qualified
12 person who will attain the age of 18 years after the deadline for filing a
13 nominating petition or declaration of candidacy:

14 (1) For nomination to any major political party office and on or before
15 the date of the primary election, and who is registered as a member of the
16 major political party not later than the date of the primary election, is eli-
17 gible to file a nominating petition for nomination to any major political
18 party office, to be listed on the ballot and to be nominated for the office,
19 including by write-in votes.

20 (2) **For nomination as a nonaffiliated candidate to public office at**
21 **the nonaffiliated primary election under section 2 of this 2019 Act and**
22 **on or before the date of the primary election, and who is not affiliated**
23 **with a major political party or a minor political party not later than**
24 **the date of the primary election, is eligible to file a nominating peti-**
25 **tion for nomination as a nonaffiliated candidate to public office, to be**
26 **listed on the ballot and to be nominated for the office, including by**
27 **write-in votes.**

28 **SECTION 11.** ORS 249.031 is amended to read:

29 249.031. (1) Except as provided in subsection (2) of this section, a nomi-
30 nating petition or declaration of candidacy shall contain:

31 (a) The name by which the candidate is commonly known. A candidate

1 may use a nickname in parentheses in connection with the candidate's full
2 name.

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

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

6 (d)(A) If the candidate is seeking the nomination of a major political
7 party, the name of the major political party of which the candidate will have
8 been a member, subject to the exceptions stated in ORS 249.046, during at
9 least 180 days before the deadline for filing a nominating petition or decla-
10 ration of candidacy.

11 **(B) If the candidate is seeking nomination as a nonaffiliated can-**
12 **didate to public office at the nonaffiliated primary election under sec-**
13 **tion 2 of this 2019 Act, a statement that the candidate will not have**
14 **been affiliated with any major political party or minor political party,**
15 **subject to the exceptions stated in ORS 249.046, during at least 180 days**
16 **before the deadline for filing a nominating petition or declaration of**
17 **candidacy.**

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

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

22 (g) If the candidate is seeking the nomination of a major political party
23 **or nomination as a nonaffiliated candidate at the nonaffiliated primary**
24 **election under section 2 of this 2019 Act,** a statement that the candidate,
25 if not nominated, will not accept the nomination or endorsement of any
26 political party other than the one of which the candidate is a member on the
27 date the petition or declaration is filed, **or, if the candidate is not affil-**
28 **iated with a major political party or minor political party, that the**
29 **candidate, if not nominated, will not accept the nomination or**
30 **endorsement of any political party.**

31 (h) The signature of the candidate.

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

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

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

7 (4) If required by the national rules of the major political party, the dec-
8 laration of a candidate for election as a precinct committeeperson shall in-
9 clude the name of the individual the candidate supports for President of the
10 United States or "uncommitted" or "no preference."

11 **SECTION 12.** ORS 249.042 is amended to read:

12 249.042. When an elector files with the appropriate filing officer the
13 statement and prospective petition under ORS 249.061, or a declaration of
14 candidacy, it is conclusive evidence that the elector is **seeking nomination**
15 **as a nonaffiliated candidate to public office at the nonaffiliated pri-**
16 **mary election under section 2 of this 2019 Act, or is** a candidate for
17 nomination or election by the elector's political party or to the nonpartisan
18 office stated in the petition or declaration.

19 **SECTION 13.** ORS 249.046 is amended to read:

20 249.046. (1)(a) If a candidate has not been a member of the major political
21 party for at least 180 days before the deadline for filing a nominating peti-
22 tion or declaration of candidacy, the candidate shall not be entitled to re-
23 ceive the nomination of that major political party.

24 (b) **If a candidate has not been unaffiliated with a major political**
25 **party or minor political party for at least 180 days before the deadline**
26 **for filing a nominating petition or declaration of candidacy, the can-**
27 **didate shall not be entitled to receive the nomination as a nonaffiliated**
28 **candidate to public office at the nonaffiliated primary election under**
29 **section 2 of this 2019 Act.**

30 (2) If a candidate's registration becomes inactive, the inactive status shall
31 not:

1 (a) Constitute a lapse of membership in the party if, immediately before
2 the registration became inactive, the candidate was a member of the party
3 and was not a member of any other political party within the 180 days pre-
4 ceding the deadline for filing a nominating petition or declaration of candi-
5 dacy.

6 (b) **Constitute a lapse of the candidate not being affiliated with any**
7 **major political party or minor political party if, immediately before**
8 **the registration became inactive, the candidate was not affiliated with**
9 **a major political party or minor political party and was not affiliated**
10 **with a major political party or minor political party within the 180**
11 **days preceding the deadline for filing a nominating petition or decla-**
12 **ration of candidacy.**

13 (3) The requirement that the candidate be qualified by length of mem-
14 bership **or nonaffiliation** does not apply to any candidate whose 18th
15 birthday falls within the period of 180 days or to a write-in candidate.

16 **SECTION 14.** ORS 249.048 is amended to read:

17 249.048. A candidate for nomination of a major political party to a public
18 office, **or a candidate for nomination as a nonaffiliated candidate at the**
19 **nonaffiliated primary election under section 2 of this 2019 Act**, who fails
20 to receive the nomination may not be the candidate of any other political
21 party or a nonaffiliated candidate for the same office at the succeeding gen-
22 eral election. The filing officer may not certify the name of the candidate.

23 **SECTION 15.** ORS 249.064 is amended to read:

24 249.064. (1) A nominating petition of a candidate seeking the nomination
25 of a major political party shall contain a statement that each elector whose
26 signature appears on the petition is a member of the same major political
27 party as is the candidate.

28 (2) **A nominating petition of a candidate seeking nomination as a**
29 **nonaffiliated candidate at the nonaffiliated primary election under**
30 **section 2 of this 2019 Act shall contain a statement that each elector**
31 **whose signature appears on the petition is not affiliated with a major**

1 **political party or a minor political party.**

2 [(2)] (3) A nominating petition of any candidate shall contain the number
3 of signatures of electors required by ORS 249.068 or 249.072 and the residence
4 or mailing address and name or number of the precinct, if known, of each
5 elector whose signature appears.

6 [(3)] (4) Pursuant to ORS 249.008, the county clerks or the Secretary of
7 State shall certify the signatures contained in the nominating petition for
8 genuineness.

9 **SECTION 16.** ORS 249.068, as amended by section 13, chapter 70, Oregon
10 Laws 2018, is amended to read:

11 249.068. (1) Except as otherwise provided **in ORS 249.072 for a candidate**
12 **seeking nomination as a nonaffiliated candidate at the nonaffiliated**
13 **primary election under section 2 of this 2019 Act** or for a candidate for
14 nonpartisan office [*in ORS 249.072*]:

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

23 (b) For an election next following any change in the boundaries of a
24 congressional district, there shall be at least 1,000 signatures or the number
25 of signatures at least equal to two percent of the average number of votes
26 cast in all congressional districts in this state, as the case may be, for the
27 candidates of that major political party for presidential electors at the last
28 presidential election, whichever is less;

29 (c) In the case of a candidate nominated by a major political party that
30 did not nominate presidential electors at the last presidential election, there
31 shall be at least 1,000 signatures; and

1 (d) If the office is one to be voted for in the state at large, the signatures
2 shall include those of electors registered in at least five percent of the pre-
3 cincts in each of at least seven counties. If the office is one to be voted for
4 in a congressional district the signatures shall include those of electors
5 registered in at least five percent of the precincts in each of at least one-
6 fourth of the counties in the congressional district.

7 (2) Except as otherwise provided in this section or **in ORS 249.072 for a**
8 **candidate seeking nomination as a nonaffiliated candidate at the**
9 **nonaffiliated primary election under section 2 of this 2019 Act** or for a
10 candidate for nonpartisan office [*in ORS 249.072*]:

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

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

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

29 (d) If the office under this subsection is to be voted for in more than one
30 county, the signatures shall include those of electors registered in at least
31 two counties encompassed by the electoral district, and the signatures from

1 each such county shall include those of electors registered in at least six
2 percent of the precincts of the electoral district that are located within that
3 county. If six percent of the precincts of the electoral district in one of the
4 counties or portion thereof does not constitute a whole precinct, the nomi-
5 nating petition shall contain signatures from at least one precinct in that
6 county; and

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

10 **SECTION 17.** ORS 249.072, as amended by section 12, chapter 70, Oregon
11 Laws 2018, is amended to read:

12 249.072. (1) If the nonpartisan office, **or public office for which a can-**
13 **didate is seeking nomination as a nonaffiliated candidate at the non-**
14 **affiliated primary election under section 2 of this 2019 Act,** is to be
15 voted for in the state at large, the nominating petition shall contain at least
16 1,000 signatures of electors, or a number of signatures of electors equal to
17 at least one percent of the vote cast in the state for all candidates for Gov-
18 ernor at the most recent election at which a candidate for Governor was
19 elected to a full term, whichever is less. The signatures shall include those
20 of electors registered in each of at least five percent of the precincts in each
21 of at least seven counties.

22 (2) The nominating petition for a nonpartisan office, **or public office for**
23 **which a candidate is seeking nomination as a nonaffiliated candidate**
24 **at the nonaffiliated primary election under section 2 of this 2019 Act,**
25 not provided for in subsection (1) of this section shall contain at least 500
26 signatures of electors in the electoral district, or a number of signatures of
27 electors equal to at least one percent of the vote cast in the electoral district
28 for all candidates for Governor at the most recent election at which a can-
29 didate for Governor was elected to a full term, whichever is less. In addition:

30 (a) If an office under this subsection is to be voted for in more than one
31 county, the signatures shall include those of electors registered in at least

1 two counties encompassed by the electoral district, and the signatures from
2 each such county shall include those of electors registered in at least six
3 percent of the precincts of the electoral district that are located within that
4 county. If six percent of the precincts of the electoral district in one of the
5 counties or portion thereof does not constitute a whole precinct, the nomi-
6 nating petition shall contain signatures from at least one precinct in that
7 county.

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

11 **SECTION 18.** ORS 249.076 is amended to read:

12 249.076. (1)(a) A person who is not a member of the same major political
13 party as the candidate for nomination by the major political party may not
14 sign the nominating petition of the candidate.

15 **(b) A person who is a member of a major political party or a minor**
16 **political party may not sign the nominating petition of the candidate**
17 **who is seeking nomination as a nonaffiliated candidate at the nonaf-**
18 **iliated primary election under section 2 of this 2019 Act.**

19 (2) Any elector may sign:

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

22 (b) **Except as provided in subsection (1) of this section,** a nominating
23 petition or certificate of nomination of any nonaffiliated candidate; and

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

26 **SECTION 19.** ORS 249.078 is amended to read:

27 249.078. (1) The name of a candidate for a major political party nomi-
28 nation, **or for nomination as a nonaffiliated candidate at the nonaffil-**
29 **iated primary election under section 2 of this 2019 Act,** for President of
30 the United States shall be printed on the ballot only:

31 (a) By direction of the Secretary of State who in the secretary's sole dis-

1 cretion has determined that the candidate's candidacy is generally advocated
2 or is recognized in national news media; or

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

5 (2)(a) A petition nominating a candidate under this section shall contain
6 from each congressional district the signatures of at least 1,000 electors
7 who:

8 (A) **For major political party candidates**, are registered in the district
9 and who are members of the major political party of the candidate; **or**

10 (B) **For candidates for nomination in the nonaffiliated primary**
11 **election under section 2 of this 2019 Act, are registered in the district**
12 **and who are not affiliated with a major political party or a minor**
13 **political party.**

14 (b) The electors in each congressional district shall include electors reg-
15 istered in at least five percent of the precincts in each of at least one-fourth
16 of the counties in the congressional district. The petition shall contain the
17 printed name, residence or mailing address and name or number of the pre-
18 cinct, if known, of each elector whose signature appears on the petition. The
19 signatures shall be certified for genuineness by the county clerks or the
20 Secretary of State under ORS 249.008.

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

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

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

4 **SECTION 20.** ORS 254.470, as amended by section 4, chapter 70, Oregon
5 Laws 2018, is amended to read:

6 254.470. (1) The Secretary of State by rule shall establish requirements
7 and criteria for the designation of places of deposit for the ballots cast in
8 an election. The rules shall also specify the dates and times the places of
9 deposit must be open and the security requirements for the places of deposit.
10 At a minimum, the places designated under this section shall be open on the
11 date of the election for a period of eight or more hours, but must be open
12 until at least 8 p.m. At each place of deposit designated under this section,
13 the county clerk shall prominently display a sign stating that the location
14 is an official ballot drop site.

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

21 (b) If the county clerk determines that an active elector of the electoral
22 district as of the 21st day before the date of the election does not receive
23 daily mail service from the United States Postal Service, the county clerk
24 shall mail by nonforwardable mail an official ballot with a return identifi-
25 cation envelope and a secrecy envelope to the elector not sooner than the
26 20th day before the date of an election and not later than the 18th day before
27 the date of the election.

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

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

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

4 (b) The county clerk shall mail the official ballot of a major political
5 party to an elector not affiliated with any political party if the elector has
6 applied for the ballot as provided in this subsection and that party has pro-
7 vided under ORS 254.365 for a primary election that admits electors not af-
8 filiated with any political party.

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

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

22 **(d) The county clerk shall mail the official nonaffiliated primary**
23 **nominating ballot to each elector who is not affiliated with a major**
24 **political party or a minor political party as of the 21st day before the**
25 **date of the election.**

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

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

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

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

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

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

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

20 (e) A ballot must be received at the office of the county clerk, at the
21 designated place of deposit or at any location described in ORS 254.472 or
22 254.474 not later than the end of the period determined under subsection (1)
23 of this section on the date of the election.

24 (7) An elector may obtain a replacement ballot if the ballot is destroyed,
25 spoiled, lost or not received by the elector. Replacement ballots shall be
26 issued and processed as described in this section and ORS 254.480. The
27 county clerk shall keep a record of each replacement ballot provided under
28 this subsection. Notwithstanding any deadline for mailing ballots in sub-
29 section (2) of this section, a replacement ballot may be mailed, made avail-
30 able in the office of the county clerk or made available at one central
31 location in the electoral district in which the election is conducted. The

1 county clerk shall designate the central location. A replacement ballot need
2 not be mailed after the fifth day before the date of the election.

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

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

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

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

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

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

19 **SECTION 21.** ORS 254.370 is amended to read:

20 254.370. The county clerk shall maintain:

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

23 (2) At each primary election, a record of the number of electors who voted
24 from each major political party;

25 (3) A record of all electors registered as not being affiliated with any
26 political party who vote in a primary election of a major political party that
27 has provided under ORS 254.365 for a primary election that admits electors
28 not affiliated with any political party; [and]

29 (4) **A record of all electors registered as not being affiliated with a**
30 **major political party or minor political party who vote in the nonaf-**
31 **filiated primary election under section 2 of this 2019 Act; and**

1 [(4)] (5) A record of all electors registered as not being affiliated with any
2 political party who vote in the general election.

3 **SECTION 22.** ORS 254.135 is amended to read:

4 254.135. (1) The official general or special election ballot shall be styled
5 “Official Ballot” and shall state:

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

7 (b) The date of the election.

8 (c) The names of all candidates for offices to be filled at the election
9 whose nominations have been made and accepted and who have not died,
10 withdrawn or become disqualified. The ballot may not contain the name of
11 any other person.

12 (d) The number, ballot title and financial estimates under ORS 250.125 of
13 any measure to be voted on at the election.

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

23 (3)(a) The name of each candidate nominated shall be printed on the bal-
24 lot in but one place, without regard to how many times the candidate may
25 have been nominated, except in circumstances where a candidate may hold
26 more than one office or nomination without violating ORS 249.013. The name
27 of a political party, or names of political parties, shall be printed with the
28 name of a candidate for other than nonpartisan office according to the fol-
29 lowing rules:

30 (A) For a candidate not affiliated with a political party who is nominated
31 by a minor political party, the name of the minor political party shall be

1 printed with the name of the candidate;

2 **(B) For a candidate not affiliated with a political party who wins**
3 **the nomination as a nonaffiliated candidate in the nonaffiliated pri-**
4 **mary election under section 2 of this 2019 Act, a designation indicating**
5 **that the candidate won the nonaffiliated primary election shall be**
6 **printed with the name of the candidate;**

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

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

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

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

23 [(F)] (G) For a candidate who is nominated by a political party of which
24 the candidate is a member and by any political party or parties of which the
25 candidate is not a member, the name of the political party of which the
26 candidate is a member and the names of not more than two other political
27 parties selected by the candidate shall be printed with the name of the can-
28 didate.

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

1 before the day of the election.

2 (c) The word “incumbent” shall be printed with the name of each candi-
3 date for the Supreme Court, Court of Appeals, Oregon Tax Court or circuit
4 court who is designated the incumbent by the Secretary of State under ORS
5 254.085.

6 (d) The word “nonaffiliated” shall be printed with the name of each can-
7 didate who is not affiliated with a political party and who is nominated by
8 an assembly of electors or individual electors.

9 (e) If two or more candidates for the same office have the same or similar
10 surnames, the location of their places of residence shall be printed with their
11 names to distinguish one from another.

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

16 **SECTION 23.** 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, and it is unlawful for
19 the elector to offer to do so, unless:

20 (a) The elector is registered as being affiliated with one of the major
21 political parties nominating or electing its candidates for public office at the
22 primary election; or

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

27 (2) Except as provided in ORS 254.470 (3), any elector offering to vote at
28 the primary election shall be given a ballot of the major political party with
29 which the elector is registered as being affiliated. The elector may not be
30 given a ballot of any other political party at that primary election. An
31 elector not affiliated with any political party and offering to vote at the

1 primary election shall be given the ballot of the major political party in
 2 whose primary election the elector wishes to vote if that party has provided
 3 under subsection (3) of this section for a primary election that admits elec-
 4 tors not affiliated with any political party. An elector not affiliated with any
 5 political party who is given a ballot of the major political party associates
 6 with the party for the purpose of voting in that primary election.

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

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

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

24 **SECTION 24. Sections 1 to 7 of this 2019 Act and the amendments**
 25 **to ORS 249.016, 249.020, 249.023, 249.031, 249.042, 249.046, 249.048, 249.064,**
 26 **249.068, 249.072, 249.076, 249.078, 254.135, 254.365, 254.370 and 254.470 by**
 27 **sections 8 to 23 of this 2019 Act apply to primary elections held on or**
 28 **after the effective date of this 2019 Act.**

29
