

D R A F T

SUMMARY

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.

A BILL FOR AN ACT

1
2 Relating to write-in votes; creating new provisions; amending ORS 254.500,
3 254.545, 254.555, 254.565 and 255.295; and repealing ORS 254.548.

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

5 **SECTION 1. Section 2 of this 2019 Act is added to and made a part**
6 **of ORS chapter 254.**

7 **SECTION 2. (1) A person who wishes to be nominated or elected to**
8 **a public office by write-in votes must file with the filing officer a**
9 **declaration of write-in candidacy. The declaration shall be made on a**
10 **form designed by the Secretary of State by rule and must be filed no**
11 **later than 8 p.m. on the date of the election. The form designed by**
12 **the secretary must require that the person:**

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

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

16 **(2) Upon receipt of a declaration of write-in candidacy filed under**
17 **subsection (1) of this section, the filing officer shall take actions the**

1 **filing officer deems necessary to determine whether the person filing**
2 **the declaration meets the qualifications to assume the duties of the**
3 **public office. If the filing officer determines that the person meets the**
4 **qualifications, the filing officer shall ensure that the county clerk**
5 **tallies any write-in votes cast for the person.**

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

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

11 **SECTION 3.** ORS 254.500 is amended to read:

12 254.500. (1) This section governs the tally of votes cast for persons whose
13 names were not printed on the ballot but are written in by electors.

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

18 (a) If the total number of write-in votes for candidates for the same
19 nomination or office equals or exceeds the number of votes cast for any
20 candidate for the same nomination or office on the ballot who appears to
21 have been nominated or elected, the county clerk shall tally all write-in
22 votes cast for the office to show the total number of votes cast for each
23 write-in candidate.

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

27 [(2)] **(3) No person other than the county clerk, a member of a counting**
28 **board or any other elections official designated by the county clerk may tally**
29 **write-in votes.**

30 **SECTION 4.** ORS 254.548 is repealed.

31 **SECTION 5.** ORS 254.545 is amended to read:

1 254.545. [*Subject to ORS 254.548,*] The county clerk:

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

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

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

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

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

19 (6) Shall prepare, and file with the county governing body, a certificate
20 stating the compensation to which the board clerks are entitled. The county
21 governing body shall order the compensation paid by county funds.

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

24 **SECTION 6.** ORS 254.555 is amended to read:

25 254.555. (1) [*Except as provided in ORS 254.548,*] Not later than the 30th
26 day after any election, the Secretary of State, regarding offices for which the
27 secretary receives filings for nomination, shall:

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

30 (b) Enter in a register of nominations after the primary election the name
31 and, if applicable, major political party of each candidate nominated, the

1 office for which the candidate is nominated and the date of entry.

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

6 (d) Issue a proclamation declaring the election of candidates to the of-
7 fices.

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

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

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

16 **SECTION 7.** ORS 254.565 is amended to read:

17 254.565. [*Subject to ORS 254.548,*] The chief city elections officer:

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

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

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

22 (c) If applicable, the name of the major political party nominating the
23 candidate.

24 (d) The date of the entry.

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

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

31 **SECTION 8.** ORS 255.295, as amended by section 10, chapter 70, Oregon

1 Laws 2018, is amended to read:

2 255.295. (1) Not later than the 20th day after the date of an election, the
3 elections officer shall prepare an abstract of the votes and deliver it to the
4 district elections authority. Not later than the 45th day after the date of an
5 election, the district elections authority shall determine from it the result
6 of the election.

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

10 **SECTION 9. Section 2 of this 2019 Act, the amendments to ORS**
11 **254.500, 254.545, 254.555, 254.565 and 255.295 by sections 3 and 5 to 8 of**
12 **this 2019 Act and the repeal of ORS 254.548 by section 4 of this 2019**
13 **Act apply to write-in votes cast on or after the effective date of this**
14 **2019 Act.**

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