

House Bill 3131

Sponsored by Representative PARRISH

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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

A BILL FOR AN ACT

1
2 Relating to nominating procedures for minor political parties; creating new provisions; and amending
3 ORS 249.016, 249.020, 249.023, 249.031, 249.068, 249.076, 249.190, 249.200, 254.025, 254.056, 254.076,
4 254.370, 254.470, 254.555, 254.565 and 254.575.

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

6 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS chapter 248.**

7 **SECTION 2. (1) Not later than the 90th day before the date of the primary election, a**
8 **minor political party may file with the Secretary of State a certified copy of the current**
9 **party rule indicating that the minor political party will nominate candidates of the minor**
10 **political party, for other than political party office, at the primary election.**

11 **(2) A minor political party that files a party rule with the Secretary of State under sub-**
12 **section (1) of this section shall:**

13 **(a) Follow the nominating procedures established for major political parties; and**

14 **(b) Have the candidates for nomination by the minor political party appear on the official**
15 **primary ballot.**

16 **(3) The state shall pay the costs of conducting the primary election for the nomination**
17 **of candidates by a minor political party that files a party rule with the Secretary of State**
18 **under subsection (1) of this section.**

19 **(4) A minor political party that does not file a party rule with the Secretary of State**
20 **under subsection (1) of this section shall nominate candidates of the minor political party,**
21 **for other than political party office, in the manner set forth in ORS 248.009 and ORS 249.712**
22 **to 249.850.**

23 **SECTION 3. ORS 249.016 is amended to read:**

24 249.016. (1) A candidate of a major political party for public office or a candidate for nonparti-
25 san office shall be nominated only in the manner provided in ORS 249.016 to 249.205.

26 **(2) A candidate for public office of a minor political party that elected to follow the major**
27 **political party nominating procedure under section 2 of this 2017 Act shall be nominated only**
28 **in the manner provided in ORS 249.016 to 249.205.**

29 **SECTION 4. ORS 249.020 is amended to read:**

30 249.020. (1)(a) An eligible elector may become a candidate for nonpartisan office, or for the
31 nomination to an office by the major political party of which the elector is a member, by filing a

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 nominating petition or a declaration of candidacy.

2 **(b) An eligible elector may become a candidate for the nomination to an office by a minor**
 3 **political party that elected to follow the major political party nominating procedure under**
 4 **section 2 of this 2017 Act by filing a nominating petition or a declaration of candidacy.**

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

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

9 **SECTION 5.** ORS 249.023 is amended to read:

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

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

18 **(2) For nomination to any minor political party office and on or before the date of the**
 19 **primary election, is eligible to file a nominating petition for nomination to any minor political**
 20 **party office, to be listed on the ballot and to be nominated for the office, including by write-in**
 21 **votes.**

22 **SECTION 6.** ORS 249.031 is amended to read:

23 249.031. (1) Except as provided in subsection (2) of this section, a nominating petition or decla-
 24 ration of candidacy shall contain:

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

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

28 (c) The office and department or position number, if any, for which the candidate seeks nomi-
 29 nation.

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

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

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

37 (g) If the candidate is seeking the nomination of a major political party **or a minor political**
 38 **party that elected to follow the major political party nominating procedure under section 2**
 39 **of this 2017 Act**, a statement that the candidate, if not nominated, will not accept the nomination
 40 or endorsement of any political party other than the one of which the candidate is a member on the
 41 date the petition or declaration is filed.

42 (h) The signature of the candidate.

43 (i) A statement of the candidate's occupation, educational and occupational background and
 44 prior governmental experience.

45 (2) Subsection (1)(i) of this section does not apply to a candidate for election as a precinct

1 committeeperson.

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

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

7 **SECTION 7.** ORS 249.068 is amended to read:

8 249.068. (1) Except as otherwise provided for a candidate **of a minor political party in sub-**
9 **section (3) of this section or** for nonpartisan office in ORS 249.072:

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

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

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

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

28 (2) Except as otherwise provided in this section or for a candidate **of a minor political party**
29 **in subsection (3) of this section** for nonpartisan office in ORS 249.072:

30 (a) A nominating petition for an office not provided for in subsection (1) of this section shall
31 contain the signatures of electors who are members of the same major political party as the candi-
32 date. There shall be at least 500 signatures or the number of signatures at least equal to two percent
33 of the vote in the electoral district for the candidates of that major political party for presidential
34 electors at the last presidential election, whichever is less;

35 (b) In the case of major political party candidates for the office of state Senator or state Rep-
36 resentative, for an election next following any change in the boundaries of the districts of state
37 Senators or state Representatives under section 6, Article IV of the Oregon Constitution, there shall
38 be at least 500 signatures or the number of signatures at least equal to two percent of the average
39 number of votes cast in all state senatorial or state representative districts in this state, as the case
40 may be, for the candidates of that major political party for presidential electors at the last presi-
41 dential election, whichever is less;

42 (c) In the case of a candidate nominated by a major political party that did not nominate pres-
43 idential electors at the last presidential election, there shall be at least 500 signatures;

44 (d) If the office under this subsection is to be voted for in more than one county, the signatures
45 shall include those of electors registered in at least six percent of the precincts in the electoral

1 district that are located in each of two or more of the counties, or portions of the counties, within
 2 which the electoral district is located. If six percent of the precincts of the electoral district in one
 3 of the counties or portion thereof does not constitute a whole precinct, the nominating petition shall
 4 contain signatures from at least one precinct in that county; and

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

7 **(3)(a) If the office is to be voted for in the state at large, the nominating petition for the**
 8 **candidate of a minor political party that elected to follow the major political party nominat-**
 9 **ing procedure under section 2 of this 2017 Act must contain at least 1,000 signatures of**
 10 **electors, or a number of signatures of electors equal to at least one percent of the number**
 11 **of votes cast in the state for all candidates for Governor at the most recent election at which**
 12 **a candidate for Governor was elected to a full term, whichever is less. The signatures shall**
 13 **include those of electors registered in each of at least five percent of the precincts in each**
 14 **of at least seven counties.**

15 **(b) The nominating petition for the candidate of a minor political party that elected to**
 16 **follow the major political party nominating procedure under section 2 of this 2017 Act for a**
 17 **nonpartisan office not provided for in paragraph (a) of this subsection must contain at least**
 18 **500 signatures of electors in the electoral district, or a number of signatures of electors**
 19 **equal to at least one percent of the number of votes cast in the electoral district for all**
 20 **candidates for Governor at the most recent election at which a candidate for Governor was**
 21 **elected to a full term, whichever is less. In addition:**

22 **(A) If an office under this paragraph is to be voted for in more than one county, the**
 23 **signatures shall include those of electors registered in each of at least six percent of the**
 24 **precincts in the electoral district that are located in each of two or more of the counties,**
 25 **or portions of the counties, within which the electoral district is located. If six percent of**
 26 **the precincts of the electoral district in one of the counties or portion thereof does not**
 27 **constitute a whole precinct, the nominating petition shall contain signatures from at least**
 28 **one precinct in that county.**

29 **(B) If the office is to be voted for in only one county or in a city, the signatures shall**
 30 **include those of electors registered in each of at least 10 percent of the precincts in the**
 31 **electoral district.**

32 **SECTION 8.** ORS 249.076 is amended to read:

33 249.076. (1) A person who is not a member of the same major political party as the candidate
 34 for nomination by the major political party may not sign the nominating petition of the candidate.

35 (2) Any elector may sign:

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

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

38 **(c) A nominating petition or certificate of nomination of any candidate for a minor poli-**
 39 **tical party that elected to follow the major political party nominating procedure under sec-**
 40 **tion 2 of this 2017 Act; and**

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

43 **SECTION 9.** ORS 249.190 is amended to read:

44 249.190. (1) Except as provided in ORS 254.650, a vacancy in the nomination of a major political
 45 party candidate **or a candidate of a minor political party that elected to follow the major pol-**

1 **itical party nominating procedure under section 2 of this 2017 Act** may be filled before the date
 2 of the general election by that political party in a manner prescribed by party rule.

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

6 (3) If the filing officer with whom a declaration of candidacy for the office is filed determines
 7 that the candidate who has been nominated by a major political party is ineligible to be elected to
 8 the office, the officer shall declare the nomination vacant and the political party shall select another
 9 candidate to fill the vacancy in the nomination as provided under this section.

10 (4) The Secretary of State by rule may adopt a schedule specifying the period following a va-
 11 cancy within which a major political party must notify the filing officer of the name of the new
 12 nominee.

13 **SECTION 10.** ORS 249.200 is amended to read:

14 249.200. (1) A major political party **or a minor political party that elected to follow the**
 15 **major political party nominating procedure under section 2 of this 2017 Act** may nominate a
 16 candidate to fill a vacancy in a partisan elective office in the following manner:

17 (a) If the vacancy occurs on or before the 70th day before a primary election, by selecting a
 18 nominee at the next primary election; or

19 (b) If the vacancy occurs after the 70th day before the primary election but before the 61st day
 20 before the general election, by selecting a nominee as provided by party rule.

21 (2) The procedure under subsection (1) of this section shall not apply in any case in which one
 22 of the following specific procedures for filling a vacancy applies:

23 (a) The procedure specified in ORS 188.120 for the offices of Representative in Congress and
 24 United States Senator.

25 (b) The appointment procedure specified in ORS 171.051 to 171.064 for state legislative office.

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

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

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

31 (4) The Secretary of State by rule may adopt a schedule specifying the period following a va-
 32 cancy within which a major political party, **or a minor political party that elected to follow the**
 33 **major political party nominating procedure under section 2 of this 2017 Act**, that selects a
 34 nominee under subsection (1)(b) of this section must notify the filing officer of the name of the
 35 nominee under subsection (3) of this section.

36 **SECTION 11.** ORS 254.025 is amended to read:

37 254.025. (1) Statutes applicable to primary elections shall be construed as though the primary
 38 elections are separate elections for each major political party nominating candidates **and for each**
 39 **minor political party that elected to follow the major political party nominating procedure**
 40 **under section 2 of this 2017 Act nominating candidates.**

41 (2) The primary elections shall be conducted as nearly as possible according to the theory ex-
 42 pressed in the preamble to chapter 1, Oregon Laws 1905.

43 **SECTION 12.** ORS 254.056 is amended to read:

44 254.056. (1) The general election shall be held on the first Tuesday after the first Monday in
 45 November of each even-numbered year. Except as provided in ORS 254.650, at the general election

1 officers of the state and subdivisions of the state, members of Congress and electors of President
 2 and Vice President of the United States as are to be elected in that year shall be elected.

3 (2) The primary election shall be held on the third Tuesday in May of each even-numbered year.
 4 At the primary election precinct committeepersons shall be elected and major political party candi-
 5 dates **and candidates for minor political parties that elected to follow the major political party**
 6 **nominating procedure under section 2 of this 2017 Act** shall be nominated for offices to be filled
 7 at the general election held in that year.

8 **SECTION 13.** ORS 254.076 is amended to read:

9 254.076. The chief elections officer shall keep a register of candidates for nomination at the
 10 primary election. The register, if applicable, shall contain for each major political party **and for**
 11 **each minor political party that elected to follow the major political party nominating proce-**
 12 **cedure under section 2 of this 2017 Act:**

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

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

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

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

18 (5) The date of filing of the completed petition for nomination of the candidate, the number of
 19 valid signatures contained and the number of signatures required.

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

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

23 **SECTION 14.** ORS 254.370 is amended to read:

24 254.370. The county clerk shall maintain:

25 (1) A monthly registration record of all electors registered as not being affiliated with any pol-
 26 itical party;

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

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

29 (b) **Voted for each minor political party that elected to follow the major political party**
 30 **nominating procedure under section 2 of this 2017 Act;**

31 (3) A record of all electors registered as not being affiliated with any political party who vote
 32 in a primary election of a major political party that has provided under ORS 254.365 for a primary
 33 election that admits electors not affiliated with any political party; and

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

36 **SECTION 15.** ORS 254.470 is amended to read:

37 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the
 38 designation of places of deposit for the ballots cast in an election. The rules shall also specify the
 39 dates and times the places of deposit must be open and the security requirements for the places of
 40 deposit. At a minimum, the places designated under this section shall be open on the date of the
 41 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place
 42 of deposit designated under this section, the county clerk shall prominently display a sign stating
 43 that the location is an official ballot drop site.

44 (2)(a) Except as provided in paragraphs (b) and (c) of this subsection, the county clerk shall mail
 45 by nonforwardable mail an official ballot with a return identification envelope and a secrecy envel-

1 ope not sooner than the 20th day before the date of an election and not later than the 14th day
 2 before the date of the election, to each active elector of the electoral district as of the 21st day
 3 before the date of the election.

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

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

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

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

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

20 **(c) The county clerk shall mail the official ballot of a minor political party that elected**
 21 **to follow the major political party nominating procedure under section 2 of this 2017 Act to**
 22 **each elector who is registered as being affiliated with the minor political party as of the 21st**
 23 **day before the date of the election.**

24 [(c)] (d) An elector not affiliated with any political party who wishes to vote in the primary
 25 election of a major political party shall apply to the county clerk in writing. The application shall
 26 indicate which major political party ballot the elector wishes to receive. Except for electors de-
 27 scribed in subsection (4) of this section, and subject to ORS 247.203, the application must be received
 28 by the county clerk not later than 5 p.m. of the 21st day before the date of the election.

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

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

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

38
 39
 40 Any person who, by use of force or other means, unduly influences an elector to vote in any
 41 particular manner or to refrain from voting is subject to a fine.

42
 43
 44 (6)(a) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign
 45 the return identification envelope supplied with the ballot and comply with the instructions provided

1 with the ballot.

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

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

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

10 (e) A ballot must be received at the office of the county clerk, at the designated place of deposit
 11 or at any location described in ORS 254.472 or 254.474 not later than the end of the period deter-
 12 mined under subsection (1) of this section on the date of the election.

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

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

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

23 (b) The envelope is signed by the elector to whom the ballot is issued; and

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

25 (9) The county clerk shall verify the signature of each elector on the return identification en-
 26 velope with the signature on the elector's registration record, according to the procedure provided
 27 by rules adopted by the Secretary of State. If the county clerk determines that an elector to whom
 28 a replacement ballot has been issued has voted more than once, the county clerk shall count only
 29 one ballot cast by that elector.

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

34 **SECTION 16.** ORS 254.555 is amended to read:

35 254.555. (1) Except as provided in ORS 254.548, not later than the 30th day after any election,
 36 the Secretary of State, regarding offices for which the secretary receives filings for nomination,
 37 shall:

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

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

42 (c) **Enter in a register of nominations after the primary election the name and, if appli-**
 43 **cable, minor political party that elected to follow the major political party nominating pro-**
 44 **cedure under section 2 of this 2017 Act, of each candidate nominated, the office for which the**
 45 **candidate is nominated and the date of entry.**

1 [(c)] (d) Prepare and deliver a certificate of nomination or election to each candidate having the
 2 most votes for nomination for or election to the office. The Secretary of State shall sign the certifi-
 3 cate under the seal of the state.

4 [(d)] (e) Issue a proclamation declaring the election of candidates to the offices.

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

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

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

12 **SECTION 17.** ORS 254.565 is amended to read:

13 254.565. Subject to ORS 254.548, the chief city elections officer:

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

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

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

17 (c) If applicable, the name of the major political party, **or minor political party that elected**
 18 **to follow the major political party nominating procedure under section 2 of this 2017 Act,**
 19 nominating the candidate.

20 (d) The date of the entry.

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

23 (3) Not later than the 30th day after any election, shall canvass the vote on each city measure,
 24 and if two or more of the approved measures contain conflicting provisions, proclaim which is par-
 25 amount.

26 **SECTION 18.** ORS 254.575 is amended to read:

27 254.575. When two or more candidates for the same office, after a full recount of votes, have an
 28 equal and the highest number of votes:

29 (1) For election to state Senator or Representative, a party office, or a public office for which
 30 the elections officer is other than the Secretary of State, the elections officer shall have the candi-
 31 dates meet publicly to decide by lot who is elected.

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

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

36 (4) For nomination by one major political party, **or by one minor political party that elected**
 37 **to follow the major political party nominating procedure under section 2 of this 2017 Act,** to
 38 an office, the elections officer who receives filings for nomination to the office shall have the candi-
 39 dates meet publicly to decide by lot who is nominated.

40 **SECTION 19. Section 2 of this 2017 Act and the amendments to statutes by sections 3 to**
 41 **18 of this 2017 Act apply to primary elections held on or after the effective date of this 2017**
 42 **Act.**