Senate Bill 224

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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.

Removes requirement that county clerk move elector to inactive status if elector has neither voted nor updated registration for five or more years. Permits military and overseas voters to request ballot by using electronic mail or facsimile machine.

Includes within definition of "political committee" combination of two or more persons that received contribution or made expenditure for purpose of supporting or opposing initiative, referendum or recall petition.

Removes gender requirement for selecting precinct committeepersons.

Requires Secretary of State to reimburse county clerk for expenses to hold statewide special election on date other than date of primary or general election. Includes community college districts and 9-1-1 communications districts under definition of "district" for purpose of special district elections. Removes prohibition on electioneering in or near elections office.

Clarifies date used to calculate proportionate votes of county commissioners in event of legislative vacancy.

Requires financial estimate and explanatory statement committees to wait at least four days after statement is filed before holding hearing.

Amends geographic distribution requirements for signatures on nominating petitions. Establishes parameters under which major and minor political parties are entitled to statewide list of electors. Amends requirements for status as major and minor political party. Permits major 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. Repeals right of political party to have exclusive right to use whole party name or any part

Takes effect on 91st day following adjournment sine die.

1 A BILL FOR AN ACT

- Relating to elections; amending ORS 171.060, 171.062, 171.068, 188.120, 236.215, 236.217, 246.021, 2
- 246.179, 247.013, 247.940, 247.945, 247.965, 248.006, 248.008, 248.015, 249.046, 249.068, 249.072, 3
- 249.078, 249.865, 250.127, 251.215, 253.540, 253.565, 254.155, 255.012, 260.005, 260.049, 260.112,
- 260.118, 260.695 and 260.993; repealing ORS 248.010; and prescribing an effective date. 5

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

- **SECTION 1.** ORS 247.013 is amended to read:
- 8 247.013. (1) A qualified person shall be considered registered to vote in a county when the 9 person's first registration in the county occurs as described in ORS 247.012.
 - (2) An elector who changes residence address from the county in which the elector is registered to a different county within the state, in order to vote in an election, must be an elector registered in the county in which the new residence address of the elector is located.
 - (3) If there is a change in any information required for registration under this chapter, and the elector has not changed residence address to another county, the registration of the elector may be updated as provided in this chapter.
 - (4) Notwithstanding subsections (2) and (3) of this section, if an elector changes residence address from the county in which the elector is registered to a different county within the state, the elector need not register again if the registration of the elector is updated.

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.

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- (5) If the county clerk does not have evidence of a change in any information required for registration under this chapter for an elector, the registration of the elector shall be considered active.
 - (6) The registration of an elector shall be considered inactive if:
- (a) The county clerk has received evidence that there has been a change in the information required for registration under this chapter [or the elector has neither voted nor updated the registration for a period of not less than five years]; and
 - (b) The county clerk has mailed the notice described in ORS 247.563.
- [(7) The registration of an elector shall not be moved to an inactive file during the 60-day period prior to any election because the elector has neither voted nor updated the registration for a period of not less than five years.]
- [(8)] (7) The inactive registration of an elector must be updated before the elector may vote in an election.

SECTION 2. ORS 253.540 is amended to read:

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- 253.540. (1) Any military or overseas elector may secure a ballot by submitting an application as specified in subsection (2) of this section to the clerk of the county of the military or overseas elector's residence, or to the Secretary of State. If the application is addressed to the Secretary of State, the secretary shall forward it to the appropriate county clerk.
- (2) An application for a ballot by a military or overseas elector shall be made in the form of a written request and may be submitted by mail, electronic mail, a facsimile machine or other means identified by the Secretary of State by rule. The application shall be valid for every subsequent election until the elector otherwise notifies the clerk or is no longer an elector of the county. The application shall be signed by the applicant and contain:
 - (a) The name and current mailing address of the applicant;
 - (b) A statement that the applicant is a citizen of the United States;
 - (c) A statement that the applicant will be 18 years of age or older on the date of the election;
- (d) A statement that for more than 20 days preceding the election the applicant's home residence has been in this state, and giving the address of the last home residence;
- (e) A statement of the facts that qualify the applicant as a military or overseas elector or as the spouse or a dependent of a military or overseas elector;
- (f) A statement that the applicant is not requesting a ballot from any other state and is not voting in any other manner in the election except by the requested ballot; and
- (g) If the applicant desires to vote in a primary election, a designation of the applicant's political party affiliation or a statement that the applicant is not affiliated with any political party. An applicant not affiliated with any political party may request a ballot for a major political party. The applicant shall be sent the ballot for the political party that the applicant requested if that political party has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party.

SECTION 3. ORS 253.565 is amended to read:

- 253.565. (1) Any military or overseas elector may secure a special ballot for a primary election or general election by making an application under this section if the elector believes that:
- (a) The elector will be residing, stationed or working outside the territorial limits of the United States and the District of Columbia; and
- (b) The elector will be unable to vote and return a regular ballot by normal mail delivery within the period provided for regular absent electors.
- (2) A military or overseas elector shall make the application for a special ballot in the form of

- a written request, which may be submitted by mail, electronic mail, a facsimile machine or other means identified by the Secretary of State by rule. The elector shall submit the application before the date of the applicable election to the clerk of the county of the military or overseas elector's residence or to the Secretary of State. If the application is addressed to the Secretary of State, the secretary shall forward it to the appropriate county clerk. The application shall be signed by the applicant and contain:
 - (a) The name and current mailing address of the applicant;

- (b) A designation of the election for which the applicant requests a special ballot;
- (c) A statement that the applicant is a citizen of the United States;
- (d) A statement that the applicant will be 18 years of age or older on the date of the election;
- (e) A statement that for more than 20 days preceding the election the applicant's home residence has been in this state, and giving the address of the last home residence;
- (f) A statement of the facts that qualify the applicant as a military or overseas elector or as the spouse or a dependent of a military or overseas elector;
 - (g) A statement of the facts that qualify the applicant to vote by means of a special ballot;
- (h) A statement that the applicant is not requesting a ballot from any other state and is not voting in any other manner in the election except by the requested special ballot; and
- (i) If the applicant requests a ballot for a primary election, a designation of the applicant's political party affiliation or a statement that the applicant is not affiliated with any political party. An applicant not affiliated with any political party may request a ballot for a major political party. The applicant shall be sent the ballot for the political party that the applicant requested if that political party has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party.
- (3) An application for a special ballot shall be valid only for the election specified in the application.
- (4) The county clerk shall list on the special ballot the offices and measures scheduled to appear on the regular ballot, if known when the ballot is prepared, and provide space in which the elector may write in the elector's preference.
- (5) The elector may write in the name of any eligible candidate for each office to be filled or for which nominations will be made at the election, and may vote on any measure submitted at the election.

SECTION 4. ORS 246.021 is amended to read:

- 246.021. (1) Except as provided in ORS 247.012 and subsection (2) of this section, an election document and an accompanying payment of fees required to be filed with the Secretary of State, county clerk or other filing officer must be delivered to and actually received at the office of the designated officer not later than 5 p.m. of the day the document or fee is due or, if the day due is a Saturday, Sunday or holiday, on the next business day.
- (2) If, at 5 p.m. of the day an election document is due, an individual is physically present in the office of the secretary, county clerk or other filing officer and in line waiting to deliver the document, the individual is considered to have begun the act of delivering the document and is permitted to file it.
- (3) Except as provided in ORS **253.540**, **253.565** and 253.690, any election document required to be filed with the filing officer other than ballots, voter registration cards or petitions requiring signatures of electors may also be filed by means of an electronic facsimile transmission machine or electronic mail. If an election document is required to be filed by a specified time, the entire

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- document must be received at the office of the filing officer not later than 5 p.m. of the day the document is due or, if the day due is a Saturday, Sunday or holiday, on the next business day.
- (4) Notwithstanding any provision of subsections (1) to (3) of this section, if a statement is required to be filed electronically under ORS 260.057:
- (a) The statement must be received electronically at the office of the Secretary of State not later than 11:59 p.m. of the day the statement is due or, if the day due is a Saturday, Sunday or holiday, on the next business day; and
- (b) The Secretary of State may not accept the filing of the statement in any form other than an electronic format.
- (5) As used in this section, "election document" includes, but is not limited to, a declaration of candidacy for nomination for public or political party office, completed nominating petitions, statements and portraits for voters' pamphlets, statements of election campaign contributions and expenditures, and initiative, referendum or recall petitions.
- **SECTION 5.** ORS 260.005, as amended by section 14, chapter 70, Oregon Laws 2018, is amended to read:
 - 260.005. As used in this chapter:
 - (1)(a) "Candidate" means:

- (A) An individual whose name is printed on a ballot, for whom a declaration of candidacy, nominating petition or certificate of nomination to public office has been filed or whose name is expected to be or has been presented, with the individual's consent, for nomination or election to public office;
- (B) An individual who has solicited or received and accepted a contribution, made an expenditure, or given consent to an individual, organization, political party or political committee to solicit or receive and accept a contribution or make an expenditure on the individual's behalf to secure nomination or election to any public office at any time, whether or not the office for which the individual will seek nomination or election is known when the solicitation is made, the contribution is received and retained or the expenditure is made, and whether or not the name of the individual is printed on a ballot; or
 - (C) A public office holder against whom a recall petition has been completed and filed.
- (b) For purposes of this section and ORS 260.035 to 260.156, "candidate" does not include a candidate for the office of precinct committeeperson.
- (2) "Committee director" means any person who directly and substantially participates in decision-making on behalf of a political committee concerning the solicitation or expenditure of funds and the support of or opposition to candidates, [or] measures, initiative petitions, referendum petitions or recall petitions. The officers of a political party shall be considered the directors of any political party committee of that party, unless otherwise provided in the party's bylaws.
 - (3) Except as provided in ORS 260.007, "contribute" or "contribution" includes:
- (a) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compensation or consideration, of money, services other than personal services for which no compensation is asked or given, supplies, equipment or any other thing of value:
- (A) For the purpose of influencing an election for public office or an election on a measure, or of reducing the debt of a candidate for nomination or election to public office or the debt of a political committee; or
 - (B) To or on behalf of a candidate, political committee or measure; and
 - (b) The excess value of a contribution made for compensation or consideration of less than

1 equivalent value.

- (4) "Controlled committee" means a political committee that, in connection with the making of contributions or expenditures:
 - (a) Is controlled directly or indirectly by a candidate or a controlled committee; or
 - (b) Acts jointly with a candidate or controlled committee.
 - (5) "Controlled directly or indirectly by a candidate" means:
- (a) The candidate, the candidate's agent, a member of the candidate's immediate family or any other political committee that the candidate controls has a significant influence on the actions or decisions of the political committee; or
- (b) The candidate's principal campaign committee and the political committee both have the candidate or a member of the candidate's immediate family as a treasurer or director.
 - (6) "County clerk" means the county clerk or the county official in charge of elections.
- (7) "Elector" means an individual qualified to vote under Article II, section 2, of the Oregon Constitution.
- (8) Except as provided in ORS 260.007, "expend" or "expenditure" includes the payment or furnishing of money or anything of value or the incurring or repayment of indebtedness or obligation by or on behalf of a candidate, political committee or person in consideration for any services, supplies, equipment or other thing of value performed or furnished for any reason, including support of or opposition to a candidate, political committee or measure, or for reducing the debt of a candidate for nomination or election to public office. "Expenditure" also includes contributions made by a candidate or political committee to or on behalf of any other candidate or political committee.
 - (9) "Filing officer" means:
- (a) The Secretary of State:
- (A) Regarding a candidate for public office;
- (B) Regarding a statement required to be filed under ORS 260.118;
- (C) Regarding any measure; or
- 27 (D) Regarding any political committee.
 - (b) In the case of an irrigation district formed under ORS chapter 545, "filing officer" means:
 - (A) The county clerk, regarding any candidate for office or any measure at an irrigation district formation election where the proposed district is situated wholly in one county;
 - (B) The county clerk of the county in which the office of the secretary of the proposed irrigation district will be located, regarding any candidate for office or any measure at an irrigation district formation election where the proposed district is situated in more than one county; or
 - (C) The secretary of the irrigation district for any election other than an irrigation district formation election.
 - (10) "Independent expenditure" means an expenditure by a person for a communication in support of or in opposition to a clearly identified candidate or measure that is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any political committee or agent of a political committee supporting or opposing a measure. For purposes of this subsection:
 - (a) "Agent" means any person who has:
 - (A) Actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate or on behalf of a political committee supporting or opposing a measure; or
 - (B) Been placed in a position within the campaign organization where it would reasonably ap-

- pear that in the ordinary course of campaign-related activities the person may authorize expenditures.
 - (b)(A) "Clearly identified" means, with respect to candidates:
- 4 (i) The name of the candidate involved appears;

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- (ii) A photograph or drawing of the candidate appears; or
- (iii) The identity of the candidate is apparent by unambiguous reference.
- (B) "Clearly identified" means, with respect to measures:
- (i) The ballot number of the measure appears;
- (ii) A description of the measure's subject or effect appears; or
- 10 (iii) The identity of the measure is apparent by unambiguous reference.
 - (c) "Communication in support of or in opposition to a clearly identified candidate or measure" means:
 - (A)(i) The communication, taken in its context, clearly and unambiguously urges the election or defeat of a clearly identified candidate for nomination or election to public office, or the passage or defeat of a clearly identified measure;
 - (ii) The communication, as a whole, seeks action rather than simply conveying information; and
 - (iii) It is clear what action the communication advocates; or
 - (B)(i) The communication contains aggregate expenditures of more than \$750 by a person;
 - (ii) The communication refers to a clearly identified candidate who will appear on the ballot or to a political party; and
 - (iii) The communication is published and disseminated to the relevant electorate within 30 calendar days before a primary election or 60 calendar days before a general election.
 - (d) "Made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any political committee or agent of a political committee supporting or opposing a measure":
 - (A) Means any arrangement, coordination or direction by the candidate or the candidate's agent, or by any political committee or agent of a political committee supporting or opposing a measure, prior to the publication, distribution, display or broadcast of the communication. An expenditure shall be presumed to be so made when it is:
 - (i) Based on information about the plans, projects or needs of the candidate, or of the political committee supporting or opposing a measure, and provided to the expending person by the candidate or by the candidate's agent, or by any political committee or agent of a political committee supporting or opposing a measure, with a view toward having an expenditure made; or
 - (ii) Made by or through any person who is or has been authorized to raise or expend funds, who is or has been an officer of a political committee authorized by the candidate or by a political committee or agent of a political committee supporting or opposing a measure, or who is or has been receiving any form of compensation or reimbursement from the candidate, the candidate's principal campaign committee or agent or from any political committee or agent of a political committee supporting or opposing a measure.
 - (B) Does not mean providing to the expending person upon request a copy of this chapter or any rules adopted by the Secretary of State relating to independent expenditures.
 - (11) "Initiative petition" means a petition to initiate a measure for which a prospective petition has been filed but that is not yet a measure.
 - (12) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon Tax Court.

- 1 (13) "Mass mailing" means more than 200 substantially similar pieces of mail, but does not in-2 clude a form letter or other mail that is sent in response to an unsolicited request, letter or other 3 inquiry.
- 4 (14) "Measure" includes any of the following submitted to the people for their approval or rejection at an election:
 - (a) A proposed law.

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- (b) An Act or part of an Act of the Legislative Assembly.
- 8 (c) A revision of or amendment to the Oregon Constitution.
- (d) Local, special or municipal legislation.
- 10 (e) A proposition or question.
 - (15) "Occupation" means:
 - (a) The nature of an individual's principal business; and
- 13 (b) If the individual is employed by another person, the business name and address, by city and state, of the employer.
 - (16) "Person" means an individual, corporation, limited liability company, labor organization, association, firm, partnership, joint stock company, club, organization or other combination of individuals having collective capacity.
- 18 (17) "Petition committee" means an initiative, referendum or recall petition committee organized 19 under ORS 260.118.
 - (18) "Political committee" means a combination of two or more individuals, or a person other than an individual, that has:
 - (a) Received a contribution for the purpose of supporting or opposing a candidate, measure, initiative petition, referendum petition, recall petition or political party; or
 - (b) Made an expenditure for the purpose of supporting or opposing a candidate, measure, initiative petition, referendum petition, recall petition or political party. For purposes of this paragraph, an expenditure does not include:
 - (A) A contribution to a candidate or political committee that is required to report the contribution on a statement filed under ORS 260.057 or 260.076 or a certificate filed under ORS 260.112; or
 - (B) An independent expenditure for which a statement is required to be filed by a person under ORS 260.044.
 - (19) "Public office" means any national, state, county, district, city office or position, except a political party office, that is filled by the electors.
 - (20) "Recall petition" means a petition to recall a public officer for which a prospective petition has been filed but that is not yet a measure.
 - (21) "Referendum petition" means a petition to refer a measure for which a prospective petition has been filed but that is not yet a measure.
 - (22) "Regular district election" means the regular district election described in ORS 255.335.
 - (23) "State office" means the office of Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, state Senator, state Representative, judge or district attorney.
- 42 **SECTION 6.** ORS 260.118, as amended by section 3, chapter 70, Oregon Laws 2018, is amended 43 to read:
- 44 260.118. (1) The chief petitioners of an initiative, referendum or recall petition shall appoint a 45 treasurer. The treasurer shall be an elector of this state. Contributions must be received and

expenditures made by or through the treasurer.

- (2) The treasurer shall file a statement of organization of a petition committee with the appropriate filing officer. The treasurer shall file the statement not later than the third business day after a chief petitioner or the treasurer receives a contribution or makes an expenditure relating to the initiative, referendum or recall petition. The statement must include:
 - (a) The name and address of the chief petitioners.
 - (b) The name and address of the treasurer appointed under subsection (1) of this section.
- (c) A designation of the initiative, referendum or recall petition. The designation of the recall petition must include the name of the officer whose recall is demanded.
- (3) In addition to the information listed in subsection (2) of this section, the statement of organization must include, or be amended within five business days to include, the name of the financial institution in which the petition account required under ORS 260.054 is established, the name of the account, the name of the account holder and the names of all individuals who have signature authority for the account. The Secretary of State may not disclose information received by the secretary under this subsection except as necessary for purposes of enforcing the provisions of ORS chapters 246 to 260.
- (4) A treasurer may designate an elector of this state to be liable for any civil penalty imposed under ORS 260.232. The treasurer shall include the name and address of any elector designated under this subsection in a statement of organization filed under this section.
- (5) Except as provided in subsection (3) of this section, if there is a change in the information submitted in a statement of organization under subsections (2) and (3) of this section, the treasurer shall file an amended statement of organization not later than the 10th day after the change in information.
- (6) The treasurer of an initiative, referendum or recall petition committee shall use the electronic filing system adopted under ORS 260.057 to file with the Secretary of State statements of contributions received and expenditures made by the petition committee, as described in ORS 260.083.
- (7) The treasurer of an initiative petition committee, or the treasurer of a political committee that receives a contribution or makes an expenditure for the purpose of supporting or opposing an initiative petition, shall file a statement described in subsection (6) of this section not later than seven calendar days after a contribution is received or an expenditure is made. This subsection applies to contributions received and expenditures made:
- (a) During the period beginning on the 42nd calendar day before the date that is four months before a general election and ending on the date that is four months before a general election; and
- (b) During the period beginning on the 42nd calendar day before the date of any primary election and ending on the date of the primary election and the period beginning on the 42nd calendar day before the date of any general election and ending on the date of the general election.
- (8) The treasurer of a referendum petition committee or a recall petition committee, or the treasurer of a political committee that receives a contribution or makes an expenditure for the purpose of supporting or opposing a referendum petition or a recall petition, shall file a statement described in subsection (6) of this section not later than seven calendar days after a contribution is received or an expenditure is made. This subsection applies:
- (a) For a referendum petition committee or a political committee that receives a contribution or makes an expenditure for the purpose of supporting or opposing a referendum petition, to contributions received and expenditures made during the period beginning on the date the

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treasurer is appointed under subsection (1) of this section and ending on the deadline for submitting signatures for verification; and

- (b) For a recall petition committee or a political committee that receives a contribution or makes an expenditure for the purpose of supporting or opposing a recall petition, to contributions received and expenditures made during the period beginning on the day on which the recall petition is filed under ORS 249.865 and ending on the deadline for submitting signatures for verification.
- (9) Except as provided in subsection (10) of this section, during a period not described in subsection (7) or (8) of this section, a treasurer of an initiative, referendum or recall petition committee, or a treasurer of a political committee that receives a contribution or makes an expenditure for the purpose of supporting or opposing an initiative petition, a referendum petition or a recall petition, shall file a statement described in subsection (6) of this section not later than 30 calendar days after a contribution is received or an expenditure is made.
- (10) If a treasurer of an initiative petition committee, or a treasurer of a political committee that receives a contribution or makes an expenditure for the purpose of supporting or opposing an initiative petition, receives a contribution or makes an expenditure prior to the 42nd calendar day before the date that is four months before a general election, or the 42nd day before the date of the primary election or general election, and the treasurer has not filed a statement of the contribution or expenditure under subsection (6) of this section by the 43rd calendar day before the date that is four months before a general election, or the 43rd day before the date of the primary election or general election, the treasurer shall file a statement described in subsection (6) of this section not later than the 35th calendar day before the date that is four months before a general election, or not later than whichever of the following dates occurs first:
 - (a) The date required under subsection (9) of this section; or
 - (b) The 35th day before the date of the primary election or general election.
- (11) For an initiative petition committee, the accounting period for the first statement filed under this section begins on the date the treasurer is appointed under subsection (1) of this section.
- (12) Each statement required under this section must be signed and certified as true by the treasurer. Signatures must be supplied in the manner specified by the secretary by rule.
- (13) Subsections (6) to (12) of this section do not apply to petition committees or political committees that file certificates under ORS 260.112.
- (14) As used in this section, "contribution" and "expenditure" include a contribution or expenditure to or on behalf of an initiative, referendum or recall petition.

SECTION 7. ORS 260.112 is amended to read:

- 260.112. (1)(a) A candidate or a treasurer of a political committee who expects neither the aggregate contributions to be received nor the aggregate expenditures to be made by or on behalf of the candidate or political committee to exceed \$3,500 in total amount during the calendar year shall file a certificate to that effect with the Secretary of State. The candidate or treasurer shall make the certificate according to the best of the knowledge or belief of the candidate or treasurer. A candidate or treasurer filing a certificate under this section is not required to file statements under ORS 260.057 or 260.118.
- (b) A treasurer of a petition committee organized under ORS 260.118 who expects neither the aggregate contributions to be received nor the aggregate expenditures to be made by a chief petitioner or the treasurer to exceed \$3,500 in total amount during the calendar year shall file a certificate to that effect with the Secretary of State. The treasurer shall make the certificate ac-

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- cording to the best of the knowledge or belief of the treasurer. A treasurer filing a certificate under this section is not required to file statements under ORS 260.118.
 - (2) A certificate described in subsection (1) of this section shall be filed:

- (a) By a candidate, not sooner than the date that the candidate files a statement of organization under ORS 260.039, and not later than seven calendar days after the candidate receives a contribution or makes an expenditure.
- (b) By a treasurer of a political committee, not sooner than the date that the political committee files a statement of organization under ORS 260.042, and not later than seven calendar days after the political committee receives a contribution or makes an expenditure.
- (c) By a treasurer of a petition committee, not sooner than the date that the petition committee files a statement of organization under ORS 260.118, and not later than seven calendar days after the petition committee receives a contribution or makes an expenditure.
- (3) A candidate, political committee or petition committee under this section must keep contribution and expenditure records during the calendar year.
- (4) If at any time following the filing of a certificate under this section and during the calendar year either the aggregate contributions or aggregate expenditures exceed \$3,500, the candidate or treasurer shall do all of the following:
- (a) File a statement under ORS 260.057 or 260.118 within seven calendar days after either the aggregate contributions or aggregate expenditures exceed \$3,500. The statement must reflect all contributions received and expenditures made by or on behalf of the candidate, political committee or petition committee to that date, beginning January 1 of the calendar year.
 - (b) If necessary, file additional statements under ORS 260.057 or 260.118.
 - (5) This section does not apply to a candidate for federal office.
- (6) As used in this section, "contribution" and "expenditure" include a contribution or expenditure to or on behalf of an initiative, referendum or recall petition.

SECTION 8. ORS 260.049 is amended to read:

- 260.049. (1) If the major source of revenue of a corporation is paid-in-capital and the primary purpose of the corporation is to support or oppose any candidate, measure, **initiative petition**, **referendum petition**, **recall petition** or political party, and the corporation has made a contribution or an expenditure for that purpose, the corporation shall report to the Secretary of State the names, addresses and occupations of its shareholders and shall report the amount of paid-in-capital attributable to each shareholder.
- (2) The information required under subsection (1) of this section, including information on the nature and amount of all expenditures of money and in-kind contributions made by the corporation, shall be filed not later than seven calendar days after the contribution or expenditure is made.
- (3) The secretary shall adopt by rule a form for the filing of the information required under this section.

SECTION 9. ORS 248.015 is amended to read:

248.015. (1) A precinct committeeperson shall be a representative of the major political party in the precinct. At the primary election a major political party shall elect from its members [a committeeperson of each sex] two committeepersons for every 500 electors, or major fraction thereof, who are registered in the precinct on January 31 of the year of the primary election. In any event the political party members of a precinct shall be entitled to elect not [less] fewer than [one committeeperson of each sex] two committeepersons in the precinct. No person shall hold office as committeeperson in more than one precinct.

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- (2) A member of a major political party may become a candidate for precinct committeeperson of the precinct in which the person is registered, or of a precinct within the same county adjoining that precinct, by filing a declaration of candidacy described in ORS 249.031, except as provided in subsection (3) of this section.
- (3) ORS 249.031 (1)(i) shall not apply to declarations of candidacy for candidates for precinct committeeperson.
- (4) A member of the major political party who has been a member of that party for 180 days before the primary election may be elected by write-in votes as precinct committeeperson of the precinct in which the member is registered, or of a precinct within the same county adjoining that precinct.
- (5) Unless a qualified person receives at least three votes, no person shall be deemed to have been elected as precinct committeeperson and the office of committeeperson shall be vacant.
- (6) The term of office of a precinct committeeperson is from the 24th day after the date of the primary election until the 24th day after the date of the next following primary election.
 - (7) A precinct committeeperson shall not be considered a public officer.

SECTION 10. ORS 247.940 is amended to read:

- 247.940. (1) [Not later than the 21st day before any primary election, general election or special congressional election,] A major political party qualified under ORS 248.006 [or its affiliate within the county] or a minor political party qualified under ORS 248.008 may request from the [county clerk] Secretary of State a statewide list of [active] electors, as described in ORS 247.945 (4) [247.013, of the county. Except as provided in this section, the list shall contain the name, party affiliation, residence or mailing address and precinct name or number of each active elector and shall be arranged in groups by election precinct]. The list may not contain any information about participants in the Address Confidentiality Program established under ORS 192.820 to 192.868 or any information that may not be publicly disclosed under section 21, chapter 70, Oregon Laws 2018. A major political party [or its affiliate within the county] or a minor political party may make no more than two separate requests under this subsection per primary election, general election or special election.
 - (2) A request for a list under subsection (1) of this section must be made:
- (a) Not earlier than six months before the primary election, general election or special election; and
- (b) Not later than the 15th day before the primary election, general election or special election.
- [(2)] (3) If the [county clerk] **Secretary of State** receives a request under subsection (1) of this section, the [clerk] **secretary** shall deliver the list not later than[:]
 - [(a) Ten] 10 days after receiving the request.[; or]
- [(b) The date requested, provided that the date requested is more than 10 days after the request was made and at least 10 days before the date of any primary election, general election or special congressional election.]
- [(3)] (4) The [county clerk] Secretary of State may not charge for preparation or delivery of the list supplied under this section.

SECTION 11. ORS 247.945 is amended to read:

247.945. (1) The county clerk, upon request before the 45th day before a primary, general or special election, shall deliver to any person a list of electors. The list may not contain any information about participants in the Address Confidentiality Program established under ORS 192.820 to

- 1 192.868 or any information that may not be publicly disclosed under section 21, chapter 70,
 2 Oregon Laws 2018. The lists shall be prepared in the manner requested, limited only to the capa3 bilities of the Secretary of State or the county clerk.
 - (2) The county clerk shall collect and pay into the county treasury a charge for the actual cost of supplying lists under subsection (1) of this section.
 - (3) The county clerk shall keep a record of all persons to whom a list of electors is delivered under this section.
 - (4) Upon request, the Secretary of State shall deliver to any person a statewide list of electors. **Except as provided in ORS 247.940 (4),** the secretary shall charge a fee of \$500 for delivering a list under this subsection. The list may not contain any information about participants in the Address Confidentiality Program established under ORS 192.820 to 192.868 or any information that may not be publicly disclosed under section 21, chapter 70, Oregon Laws 2018.

SECTION 12. ORS 247.965 is amended to read:

- 247.965. (1) Any elector may request the county clerk to keep the residence address of the elector exempt from disclosure as a public record under ORS 192.311 to 192.478.
- (2) The county clerk shall keep the residence address of an elector exempt from disclosure as a public record under ORS 192.311 to 192.478 if the elector making the request demonstrates to the satisfaction of the county clerk that the elector's personal safety or the safety of any family member residing with the elector is in danger if the elector's address remains available for public inspection.
- (3) The county clerk shall automatically mail a ballot to an elector whose residence address is exempt from disclosure under this section.
- (4) An exemption from disclosure granted under this section shall remain in effect until the elector requests termination of the exemption or the elector is required to update the elector's registration. If the elector is required to update the elector's registration, the elector may apply for another exemption from disclosure.
- (5) An exemption from disclosure granted under this section includes an exemption from disclosure of the residence address of an elector under ORS 247.940 or 247.945.
 - (6) A county clerk or the Secretary of State shall not be held liable for:
 - (a) Granting or denying an exemption from disclosure under this section; or
- (b) Any unauthorized release of a residence address granted an exemption from disclosure under this section.

SECTION 13. ORS 246.179 is amended to read:

- 246.179. (1) Notwithstanding ORS 246.250, the Secretary of State shall reimburse each county clerk for necessary expenses of an election described in subsection (2) of this section based on a claim filed by the county clerk and approved by the Secretary of State. The claim shall be made on a form designed by the Secretary of State. The Secretary of State shall make the reimbursement from funds made available to the Secretary of State by the Emergency Board.
 - (2) The Secretary of State shall reimburse each county clerk for necessary expenses of:
- (a) A special primary election or a special election to fill a vacancy in the election or office of United States Senator or Representative in Congress held on a date other than the date of the primary election or the general election; [or]
- (b) A recall election involving the holder of a state office. As used in this subsection, "state office" has the meaning given that term in ORS 249.002.]; or
- (c) A statewide special election that is required by law to be held on a date other than the date of the primary election or the general election.

- (3) As used in this section, "state office" has the meaning given that term in ORS 249.002.

 SECTION 14. ORS 254.155, as amended by section 11, chapter 70, Oregon Laws 2018, is amended to read:
- 254.155. (1) Not later than the 69th day before the date of any election the Secretary of State shall complete a random ordering of the letters of the alphabet.
 - (2) Not later than the 68th day before the date of any election the Secretary of State shall mail or deliver to each county clerk a copy of the random ordering of the letters of the alphabet.
 - (3) The county clerk shall arrange by surname the names of the candidates on the ballot in the random order of the letters of the alphabet completed by the Secretary of State under subsection (1) of this section.
 - (4) The requirements of this section apply only if at least one contested candidate race [do not apply to any election in which only one candidate] will be on the ballot.

SECTION 15. ORS 171.062 is amended to read:

- 171.062. (1) When a legislative district in which a vacancy occurs encompasses two or more counties, each county shall be entitled to one vote for each 1,000 of its electors or major fraction thereof residing within the legislative district at the time when either the office becomes vacant, or a resignation becomes binding under ORS 236.325, whichever occurs first [vacancy occurs]. However, any county having electors in the district shall be entitled to at least one vote.
 - (2) A major fraction of electors shall be a number greater than 500 but less than 1,000.

SECTION 16. ORS 251.215 is amended to read:

- 251.215. (1) Not later than the 99th day before a special election held on the date of a primary election or any general election at which any state measure is to be submitted to the people, the committee appointed under ORS 251.205 shall prepare and electronically file with the Secretary of State, an impartial, simple and understandable statement explaining the measure. The statement shall not exceed 500 words.
- (2) Not later than the 95th day before the election and not earlier than four days after the statement is filed under subsection (1) of this section, the Secretary of State shall hold a hearing in Salem upon reasonable statewide notice to receive suggested changes or other information relating to any explanatory statement. At the hearing any person may submit suggested changes or other information orally or in writing. Written suggestions or other information also may be submitted at any time before the hearing.
- (3) The committee for each measure shall consider suggestions and any other information submitted under subsection (2) of this section, and may file a revised statement with the Secretary of State not later than the 90th day before the election.
- (4) The original statement and any revised statement must be approved by at least three members of the committee. If a member does not concur, the statement shall show only that the member dissents.
- (5) For purposes of this section, "measure" includes an initiative petition relating to a state measure that has been filed with the Secretary of State for the purpose of verifying signatures under ORS 250.105. The requirements of this section shall not apply to the petition if the secretary determines that the petition contains less than the required number of signatures of electors.

SECTION 17. ORS 250.127 is amended to read:

250.127. (1) Not later than the 99th day before a special election held on the date of a primary election or any general election at which any state measure is to be submitted to the people, the financial estimate committee created under ORS 250.125 shall prepare and electronically file with

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the Secretary of State the estimates described in ORS 250.125 and, if the committee considers it necessary, a statement explaining the financial effects of the measure as described in ORS 250.125 (7). The financial estimate committee may begin preparation of the estimates and statement on the date that a petition is accepted for verification of signatures under ORS 250.105 or the date that a measure referred by the Legislative Assembly is filed with the Secretary of State, whichever is applicable.

- (2) Not later than the 95th day before the election and not earlier than four days after the statement is filed under subsection (1) of this section, the Secretary of State shall hold a hearing in Salem upon reasonable statewide notice to receive suggested changes to the estimates or statement or to receive other information. At the hearing any person may submit suggested changes or other information orally or in writing. Written suggestions or other information also may be submitted at any time before the hearing.
- (3) The financial estimate committee shall consider suggestions and any other information submitted under subsection (2) of this section, and may file revised estimates or a revised statement with the Secretary of State not later than the 90th day before the election.
- (4) Except as provided in subsection (5) of this section, the original estimates and statement and any revised estimates or statement shall be approved by a majority of the members of the financial estimate committee. If a member does not concur, the estimates or statement shall show only that the member dissents. The Secretary of State shall certify final estimates and a final statement not later than the 90th day before the election at which the measure is to be voted upon. All estimates and statements prepared under ORS 250.125 and this section shall be made available to the public.
- (5) If a majority of the members of the financial estimate committee do not approve the estimates or statement, the Secretary of State alone shall prepare, file and certify the estimates or statement not later than the 88th day before the election at which the measure is to be voted upon with the data upon which the estimates or statement is based.
- (6) The support or opposition of any member of the financial estimate committee to the original or revised estimates or statement shall be indicated in the minutes of any meeting of the committee. Meetings of the financial estimate committee shall be open to the public. Designees of the members of the financial estimate committee may attend any meetings of the committee in the place of the members, but the designees may not vote to approve or oppose any estimates or statement.
- (7) A failure to prepare, file or certify estimates or a statement under ORS 250.125, this section or ORS 250.131 does not prevent the inclusion of the measure in the voters' pamphlet or placement of the measure on the ballot.
- (8) If the estimates are not delivered to the county clerk by the 61st day before the election, the county clerk may proceed with the printing of ballots. The county clerk is not required to reprint ballots to include the estimates or to provide supplemental information that includes the estimates.

SECTION 18. ORS 255.012 is amended to read:

255.012. As used in this chapter, "district" means:

- (1) A domestic water supply district organized under ORS chapter 264.
- 40 (2) A cemetery maintenance district organized under ORS chapter 265.
- 41 (3) A park and recreation district organized under ORS chapter 266.
 - (4) A mass transit district organized under ORS 267.010 to 267.390.
 - (5) A transportation district organized under ORS 267.510 to 267.650.
- 44 (6) A metropolitan service district organized under ORS chapter 268.
- 45 (7) A translator district organized under ORS 354.605 to 354.715.

- 1 (8) A library district organized under ORS 357.216 to 357.286.
- 2 (9) A county road district organized under ORS 371.055 to 371.110.
- 3 (10) A special road district organized under ORS 371.305 to 371.360.
- 4 (11) A road assessment district organized under ORS 371.405 to 371.535.
- 5 (12) A highway lighting district organized under ORS chapter 372.
- (13) A health district organized under ORS 440.305 to 440.410.
- 7 (14) A sanitary district organized under ORS 450.005 to 450.245.
- 8 (15) A sanitary authority, water authority or joint water and sanitary authority organized under ORS 450.600 to 450.989.
- 10 (16) A county service district organized under ORS chapter 451.
- 11 (17) A vector control district organized under ORS 452.020 to 452.170.
- 12 (18) A rural fire protection district organized under ORS chapter 478.
- 13 (19) An airport district organized under ORS chapter 838.
- 14 (20) A geothermal heating district organized under ORS chapter 523.
- 15 (21) A water improvement district organized under ORS chapter 552.
- 16 (22) A water control district organized under ORS chapter 553.
- 17 (23) A weather modification district organized under ORS 558.200 to 558.440.
- 18 (24) A livestock district organized under ORS 607.005 to 607.051.
- 19 (25) A port organized under ORS 777.005 to 777.725 and 777.915 to 777.953.
- 20 (26) The Port of Portland established by ORS 778.010.
- 21 (27) A school district.

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- 22 (28) Territory, other than territory within a city, proposed to be created, formed or incorporated 23 into a district or to be annexed or otherwise added to a district.
- 24 (29) A soil and water conservation district organized under ORS 568.210 to 568.810 and 568.900 to 568.933.
 - (30) A heritage district organized under ORS 358.442 to 358.474.
 - (31) A radio and data district organized under ORS 403.500 to 403.542.
- 28 (32) A sand control district organized under ORS 555.500 to 555.535.
- 29 (33) A community college district formed under ORS chapter 341.
- 30 (34) A 9-1-1 communications district organized under ORS 403.300 to 403.380.
- 31 **SECTION 19.** ORS 260.695 is amended to read:
- 32 260.695. (1)(a) If a person prints or circulates an imitation of the ballot or sample ballot:
 - (A) The imitation ballot or sample ballot and the back of any return envelope enclosed with the ballot or sample ballot shall state the following: "THIS IS NOT A REAL BALLOT. DO NOT USE TO VOTE." The statement on the imitation ballot or sample ballot shall be in bold print that is at least two times as large as the majority of the text on the ballot or sample ballot or 20-point type, whichever is larger. The statement on the back of a return envelope shall be in bold print that is at least 36-point type.
 - (B) The word "UNOFFICIAL" must be superimposed on the imitation ballot or sample ballot so that the word extends diagonally across the ballot from one margin of the text to the other. The superimposed word may be printed in lighter ink than other text on the ballot or sample ballot.
 - (b) For purposes of this subsection, an imitation of the ballot or sample ballot includes an imitation of a portion of the ballot or sample ballot.
 - [(2) A person may not do any electioneering, including circulating any cards or handbills, or soliciting of signatures to any petition, within any building in which any state or local government

elections office designated for the deposit of ballots under ORS 254.470 is located, or within 100 feet measured radially from any entrance to the building. A person may not do any electioneering by public address system located more than 100 feet from an entrance to the building if the person is capable of being understood within 100 feet of the building. The electioneering need not relate to the election being conducted. This subsection applies during the business hours of the building or, if the building is a county elections office, during the hours the office is open to the public, during the period beginning on the date that ballots are mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or when all persons waiting in line at the building who began the act of voting as described in ORS 254.470 (10) by 8 p.m. have finished voting.]

[(3)] (2) A person may not obstruct an entrance of a building in which ballots are issued or a place designated for the deposit of ballots under ORS 254.470 or any voting booth maintained under ORS 254.474 is located. This subsection applies during the period beginning on the date that ballots are mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or when all persons waiting in line at the building or location who began the act of voting as described in ORS 254.470 (10) by 8 p.m. have finished voting.

- [(4)] (3) A person may not vote or offer to vote in any election knowing the person is not entitled to vote.
 - [(5)] (4) A person may not make a false statement about the person's inability to mark a ballot.
- [(6)] (5) A person, except an elections official in performance of duties or another person providing assistance to an elector as described in ORS 254.445, may not ask a person at any place designated for the deposit of ballots under ORS 254.470 or at any location described in ORS 254.472 or 254.474 for whom that person intends to vote, or examine or attempt to examine the person's ballot.
- [(7)] (6) An elections official, other than in the performance of duties, may not disclose to any person any information by which it can be ascertained for whom any elector has voted.
- [(8)] (7) A person, except an elections official in performance of duties, may not do anything to a ballot to permit identification of the person who voted.
- [(9)] (8) An elector may not willfully leave at any place designated for the deposit of ballots under ORS 254.470 or at any location described in ORS 254.472 or 254.474 anything that will show how the elector's ballot was marked.
- [(10)] (9) A person, except an elections official in performance of duties, may not remove a ballot from any place designated for the deposit of ballots under ORS 254.470 or any location described in ORS 254.472 or 254.474.
- [(11)] (10) A person, except an elections official in performance of duties or a person authorized by that official, may not willfully deface, remove, alter or destroy a posted election notice.
- [(12)] (11) A person, except an elections official in performance of duties, may not willfully remove, alter or destroy election equipment or supplies, or break the seal or open any sealed package containing election supplies.
- [(13)] (12) A person, except an elections official in performance of duties, may not provide elections advice or attempt to collect voted ballots within any building in which any state or local government elections office designated for the deposit of ballots under ORS 254.470 is located, or within 100 feet measured radially from any entrance to the building.
- [(14)] (13) A person, except an elections official in performance of duties, may not establish a location to collect ballots voted by electors unless:
 - (a) The person prominently displays at the location a sign stating: "NOT AN OFFICIAL BAL-

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LOT DROP SITE"; and

- 2 (b) The sign is printed in all capital letters in bold 50-point type.
- **SECTION 20.** ORS 260.993 is amended to read:
- 4 260.993. (1) The penalty for violation of ORS 260.532 is limited to that provided in ORS 260.532 5 (6) and (8).
 - (2) Violation of ORS 247.125 (1), 247.171 (5), 247.420 (2), 253.710, 260.402, 260.555, 260.558, 260.575, 260.645 or 260.665 (2) or (3) involving any action described in ORS 260.665 (2)(d) to (f) or 260.715 is a Class C felony.
 - (3) Violation of ORS 260.695 [(4)] (3) is a Class A misdemeanor.
 - (4) Violation of ORS 247.171 (6) is a Class C misdemeanor.
- 11 <u>SECTION 21.</u> ORS 249.068, as amended by section 13, chapter 70, Oregon Laws 2018, is 12 amended to read:
 - 249.068. (1) Except as otherwise provided for a candidate for nonpartisan office in ORS 249.072:
 - (a) A nominating petition for an office to be voted for in the state at large or for a candidate for Representative in Congress shall contain signatures of members of the same major political party as the candidate. Except as provided in this subsection, there shall be at least 1,000 signatures or the number of signatures at least equal to two percent of the vote cast in the state or congressional district, as the case may be, for the candidates of that major political party for presidential electors at the last presidential election, whichever is less;
 - (b) For an election next following any change in the boundaries of a congressional district, there shall be at least 1,000 signatures or the number of signatures at least equal to two percent of the average number of votes cast in all congressional districts in this state, as the case may be, for the candidates of that major political party for presidential electors at the last presidential election, whichever is less;
 - (c) In the case of a candidate nominated by a major political party that did not nominate presidential electors at the last presidential election, there shall be at least 1,000 signatures; and
 - (d) If the office is one to be voted for in the state at large, the signatures shall include those of at least 100 electors registered in each congressional district [at least five percent of the precincts in each of at least seven counties]. If the office is one to be voted for in a congressional district, the signatures shall include those of at least 10 electors registered in each of at least [five percent of the precincts in each of at least] one-fourth of the [counties] state House of Representative districts in the congressional district.
 - (2) Except as otherwise provided in this section or for a candidate for nonpartisan office in ORS 249.072:
 - (a) A nominating petition for an office not provided for in subsection (1) of this section shall contain the signatures of electors who are members of the same major political party as the candidate. There shall be at least 500 signatures or the number of signatures at least equal to two percent of the vote in the electoral district for the candidates of that major political party for presidential electors at the last presidential election, whichever is less;
 - (b) In the case of major political party candidates for the office of state Senator or state Representative, for an election next following any change in the boundaries of the districts of state Senators or state Representatives under Article IV, section 6, of the Oregon Constitution, there shall be at least 500 signatures or the number of signatures at least equal to two percent of the average number of votes cast in all state senatorial or state representative districts in this state, as the case may be, for the candidates of that major political party for presidential electors at the

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last presidential election, whichever is less; and

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- (c) In the case of a candidate nominated by a major political party that did not nominate presidential electors at the last presidential election, there shall be at least 500 signatures[;].
- [(d) If the office under this subsection is to be voted for in more than one county, the signatures shall include those of electors registered in at least two counties encompassed by the electoral district, and the signatures from each such county shall include those of electors registered in at least six percent of the precincts of the electoral district that are located within that county. If six percent of the precincts of the electoral district in one of the counties or portion thereof does not constitute a whole precinct, the nominating petition shall contain signatures from at least one precinct in that county; and]
- [(e) If the office is to be voted for in only one county or in a city, the signatures shall include those of electors registered in at least 10 percent of the precincts in the electoral district.]
- **SECTION 22.** ORS 249.072, as amended by section 12, chapter 70, Oregon Laws 2018, is amended to read:
- 249.072. (1) If the nonpartisan office is to be voted for in the state at large, the nominating petition shall contain at least 1,000 signatures of electors, or a number of signatures of electors equal to at least one percent of the vote cast in the state for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term, whichever is less. The signatures shall include those of at least 100 electors registered in each congressional district [of at least five percent of the precincts in each of at least seven counties].
- (2) The nominating petition for a nonpartisan office not provided for in subsection (1) of this section shall contain at least 500 signatures of electors in the electoral district, or a number of signatures of electors equal to at least one percent of the vote cast in the electoral district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term, whichever is less. [In addition:]
- [(a) If an office under this subsection is to be voted for in more than one county, the signatures shall include those of electors registered in at least two counties encompassed by the electoral district, and the signatures from each such county shall include those of electors registered in at least six percent of the precincts of the electoral district that are located within that county. If six percent of the precincts of the electoral district in one of the counties or portion thereof does not constitute a whole precinct, the nominating petition shall contain signatures from at least one precinct in that county.]
- [(b) If the office is to be voted for in only one county or in a city, the signatures shall include those of electors registered in at least 10 percent of the precincts in the electoral district.]

SECTION 23. ORS 249.078 is amended to read:

- 249.078. (1) The name of a candidate for a major political party nomination for President of the United States shall be printed on the ballot only:
- (a) By direction of the Secretary of State who in the secretary's sole discretion has determined that the candidate's candidacy is generally advocated or is recognized in national news media; or
 - (b) By nominating petition described in this section and filed with the Secretary of State.
- (2) A petition nominating a candidate under this section shall contain from each congressional district the signatures of at least 1,000 electors who are registered in the district and who are members of the major political party of the candidate. [The electors in each congressional district shall include electors registered in at least five percent of the precincts in each of at least one-fourth of the counties in the congressional district.] The petition shall contain the printed name, residence or mailing address and name or number of the precinct, if known, of each elector whose signature

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appears on the petition. The signatures shall be certified for genuineness by the county clerks or the Secretary of State under ORS 249.008.

- (3) Before circulating the nominating petition, the chief sponsor shall file with the Secretary of State a signed copy of the prospective petition. The chief sponsor shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the petition. After the prospective petition is filed, the chief sponsor shall notify the Secretary of State not later than the 10th day after the chief sponsor first has knowledge or should have had knowledge that:
- (a) Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no such person would be paid.
- (b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.

SECTION 24. ORS 249.865 is amended to read:

- 249.865. (1) Pursuant to [section 18,] Article II, section 18, of the Oregon Constitution, an elector of the electoral district from which the public officer is elected may file a petition demanding the recall of the public officer. The production and circulation of the petition must conform to the requirements governing recall petitions set forth in ORS 250.048 and 250.052. Before the petition is circulated for signatures, the chief petitioner of the petition shall file with the officer authorized to order the recall election a copy of the prospective petition signed by the chief petitioner.
- (2) The chief petitioner shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the recall petition. After the prospective petition is filed, the chief petitioner shall notify the filing officer not later than the 10th day after the chief petitioner first has knowledge or should have had knowledge that:
- (a) Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no such person would be paid.
- (b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.
 - (3) Each sheet of the recall petition must contain:
- (a) The words "Petition for recall of," (name and title of officer) and the date of the filing under subsection (1) of this section; and
- (b) The name and address of [the treasurer or] the chief petitioner listed on the statement of organization filed under ORS 260.118.
- (4) Not more than 20 signatures on each sheet of the recall petition shall be counted. The circulator shall certify on each signature sheet that the circulator:
- (a) Witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet; and
 - (b) Believes each individual is an elector.
- (5) Any intentional or willful violation of subsection (1) or (2) of this section by a chief petitioner of the recall petition [or by the treasurer] listed on the statement of organization filed under ORS 260.118 invalidates the prospective petition before it is circulated for signatures.

SECTION 25. ORS 248.006 is amended to read:

248.006. (1) An affiliation of electors becomes a major political party in this state and is qualified to make nominations at a primary election when a number of electors equal to at least five percent

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of the number of electors registered in this state who are affiliated with a major political party or a minor political party are registered as members of the party not later than the 275th day before the date of a primary election. An affiliation of electors satisfying the requirements of this subsection shall be subject to the provisions of ORS 248.007 on the date the Secretary of State determines the registration requirements are satisfied.

- (2) The number of electors described in subsection (1) of this section shall be calculated based on the number of electors registered in this state, affiliated with a major political party or a minor political party and eligible to vote, as reported on the official abstracts of the election, at the general election immediately preceding the deadline specified in subsection (1) of this section.
- (3) After an affiliation of electors becomes a major political party under subsection (1) of this section, in order to maintain status as a major political party subject to ORS 248.007, the party must satisfy the registration requirement of subsection (1) of this section not later than the 275th day before each primary election.
- (4) An affiliation of electors ceases to be a major political party if the registration requirements of subsection (1) of this section are not satisfied by the 275th day before each primary election. The affiliation of electors ceases to be a major political party on the date the Secretary of State determines that the registration requirement is not satisfied.
- (5) When an affiliation of electors has not satisfied the registration requirement of subsection (1) of this section for the first time, at the request of a representative of the affiliation of electors, the Secretary of State shall determine not less than once each month whether at least five percent of the number of eligible electors registered in this state who are affiliated with a major political party or a minor political party are registered as members of the party. After an affiliation of electors has qualified as a major political party, the Secretary of State shall determine on the 271st day before each primary election whether the major political party has satisfied the registration requirements described in subsection (3) of this section.

SECTION 26. ORS 248.008 is amended to read:

- 248.008. (1) An affiliation of electors becomes a minor political party in the state, a county or other electoral district, qualified to make nominations for public office in that electoral district and in any other electoral district wholly contained within the electoral district, when the affiliation of electors has acted as described in either paragraph (a) or (b) of this subsection:
- (a)(A) When the affiliation of electors has filed with the Secretary of State a petition with the signatures of at least a number of electors equal to one and one-half percent of the total votes cast in the electoral district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term.
- (B) The petition must contain only original signatures and must be filed not later than two years following the date the prospective petition is filed. The petition must state the intention to form a new political party and designate a name for the political party.
- (C) Before circulating the petition, the chief sponsor of the petition must file with the Secretary of State a signed copy of the prospective petition. The chief sponsor must include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the petition. After the prospective petition is filed, the chief sponsor must notify the filing officer not later than the 10th day after the chief sponsor first has knowledge or should have had knowledge that:
- (i) Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no person would be paid for obtaining signatures of electors.

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- (ii) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more persons would be paid for obtaining signatures of electors.
- (D) The circulator shall certify on each signature sheet that the circulator witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet and that the circulator believes each individual is an elector registered in the electoral district.
- (E) The Secretary of State shall verify whether the petition contains the required number of signatures of electors. The Secretary of State may not accept a petition for filing if it contains less than 100 percent of the required number of signatures. The Secretary of State by rule shall designate a statistical sampling technique to verify whether a petition contains the required number of signatures of electors. A petition may not be rejected for the reason that it contains less than the required number of signatures unless two separate sampling processes both establish that the petition lacks the required number of signatures. The second sampling must contain a larger number of signatures than the first sampling. The Secretary of State may employ professional assistance to determine the sampling technique. The statistical sampling technique may be the same as that adopted under ORS 250.105.
- (b) When the affiliation of electors has polled for any one of its candidates for any public office in the electoral district at least one percent of the total votes cast in the electoral district for all candidates for:
- (A) Presidential elector at the last general election at which candidates for President and Vice President of the United States were listed on the ballot; or
- (B) Any single state office to be voted upon in the state at large for which nominations by political parties are permitted by law at the most recent election at which a candidate for the office was elected to a full term.
- (2) After satisfying either subsection (1)(a) or (b) of this section, the minor political party may nominate candidates for election at the next general election.
- (3) A filing officer may not accept a certificate of nomination of a candidate nominated by a minor political party for a subsequent general election unless the minor political party has maintained status as a minor political party as described in subsection (4) of this section.
 - (4) In order to maintain status as a minor political party for a subsequent general election:
- (a) Following each general election, at any time during the period beginning on the date of the next primary election and ending on the 90th day before the next general election, a number of electors equal to at least one-half of one percent of the total number of registered electors in this state who are affiliated with a major political party or a minor political party must be registered as members of the party; or
- (b)(A) Following each general election, at any time during the period beginning on the date of the next primary election and ending on the 90th day before the next general election, a number of electors equal to at least one-tenth of one percent of the total votes cast in the state or electoral district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term must be registered as members of the party; and
- (B) At least once in a four-year period, a candidate or candidates of the party must poll at least one percent of the total votes cast in the electoral district for all candidates for:
- (i) Presidential elector at the last general election at which candidates for President and Vice President of the United States were listed on the ballot; or
 - (ii) Any single state office to be voted upon in the state at large for which nominations by pol-

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itical parties are permitted by law at the most recent election at which a candidate for the office was elected to a full term.

- (5) An affiliation of electors that fails to maintain status as a minor political party ceases to be a minor political party on the 90th day before the date of the next general election.
- (6) During the period beginning on the date of the primary election and ending on the 90th day before the date of the general election, the Secretary of State shall determine at least once each month whether registration requirements to maintain status as a minor political party have been satisfied.
- (7) If a minor political party changes its name, only those electors who register on or after the effective date of the name change as members of the party under the new party name shall be counted as members of the party.
- (8) An affiliation of electors or a minor political party may not nominate a candidate who is the nominee of another political party at the same election in order to satisfy the one percent requirement referred to in subsection (1)(b) or (4)(b)(B) of this section.
- (9) For purposes of this section, "subsequent general election" means any general election that is held after the first general election following qualification as a minor political party under subsection (1) of this section.

SECTION 27. ORS 249.046 is amended to read:

- 249.046. (1)(a) Except as provided in subsection (2) of this section, if a candidate has not been a member of the major political party for at least 180 days before the deadline for filing a nominating petition or declaration of candidacy, the candidate shall not be entitled to receive the nomination of that major political party.
- (b) If a candidate's registration becomes inactive, the inactive status shall not constitute a lapse of membership in the party if, immediately before the registration became inactive, the candidate was a member of the party and was not a member of any other political party within the 180 days preceding the deadline for filing a nominating petition or declaration of candidacy.
- (c) The requirement that the candidate be qualified by length of membership does not apply to any candidate whose 18th birthday falls within the period of 180 days or to a write-in candidate.
- (2) A major political party may adopt a rule allowing for the nomination of candidates who are not members of the major political party or who have been members of the major political party for less than 180 days before the deadline for filing a nominating petition or declaration of candidacy. A copy of a party rule adopted under this subsection must be filed with the Secretary of State prior to the 180th day before the date of the primary election set forth in ORS 254.056. Any party rule adopted under this subsection shall remain in effect for future primary elections unless the major political party withdraws the rule prior to the 180th day before the date of the primary election.

SECTION 28. ORS 171.060 is amended to read:

171.060. (1) When any vacancy as is mentioned in ORS 171.051 exists in the office of Senator or Representative affiliated with a major political party or a minor political party and that vacancy is to be filled by an appointing authority as provided in ORS 171.051, the Secretary of State forthwith shall notify the person designated by the party to receive such notice. The party shall pursuant to party rule nominate not fewer than three nor more than five qualified persons to fill the vacancy. The nominating procedure shall reflect the principle of one-person, one-vote to accord voting weight in proportion to the number of party members represented. At the request of a party making a nomination, the county clerks of each county constituting the district in which the va-

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cancy exists shall assist the party in determining the number of electors registered as members of the party in the district. A person shall not be nominated to fill the vacancy unless the person signs a written statement indicating that the person is willing to serve in the office of Senator or Representative. As soon as the nominees have been appointed, but no later than 20 days after the vacancy occurs, the party shall notify the Secretary of State of the persons nominated. The notification shall be accompanied by the signed written statement of each nominee indicating that the nominee is willing to serve in the office of Senator or Representative. The Secretary of State shall notify the county courts or boards of county commissioners of the counties constituting the district in which the vacancy exists of the nominees and of the number of votes apportioned to each member of the county courts or boards of county commissioners under ORS 171.062 and 171.064. The Secretary of State shall set a time for the meeting of the county courts or boards of county commissioners in order to fill the vacancy and by rule shall establish procedures for the conduct of the meeting. If the district is composed of more than one county, the Secretary of State shall name a temporary chairperson and designate a meeting place within the district where the county courts or boards of county commissioners shall convene for the purpose of filling the vacancy, pursuant to ORS 171.051 (2).

- (2) When any vacancy as is mentioned in ORS 171.051 exists in the office of Senator or Representative not affiliated with a major political party or a minor political party and that vacancy is to be filled by an appointing authority as provided in ORS 171.051, the Secretary of State forthwith shall notify the county courts or boards of county commissioners of the counties constituting the district in which the vacancy occurs of the vacancy and of the number of votes apportioned to each member of the county courts or boards of county commissioners under ORS 171.062 and 171.064. The Secretary of State shall set a time for a meeting of the county courts or boards of county commissioners and by rule shall establish procedures for the conduct of the meeting. If the district is composed of more than one county, the Secretary of State shall name a temporary chairperson and designate a meeting place within the district where the county courts or boards of county commissioners shall convene for the purpose of appointing a person to fill the vacancy.
- (3) A written statement signed by a majority of those qualified to vote upon the filling of any vacancy naming the person selected to fill the vacancy and directed to the Secretary of State is conclusive evidence of the filling of the vacancy by the appointing authority named therein.

SECTION 29. ORS 171.068 is amended to read:

- 171.068. (1) For purposes of ORS 171.060, 171.062 and 171.064, the county court or the board of county commissioners [which] that shall fill the vacancy in the Legislative Assembly in a district created by reapportionment shall be the county court or board of county commissioners of each county any part of which is in the district that is created by the reapportionment and includes the residence from which the former Senator or Representative was elected.
- (2) Each person nominated by a major political party or a minor political party to fill a vacancy in the Legislative Assembly occurring as described by ORS 171.051 in a district created by reapportionment must be registered to vote in the district from which the former Senator or Representative was elected and must have been a member of the same major political party or minor political party at least 180 days before the date the vacancy to be filled occurred.
- (3) This section shall apply only to a vacancy in the Legislative Assembly occurring after the primary election next following reapportionment and before a person has been elected and qualified to fill the vacancy.

SECTION 30. ORS 236.215 is amended to read:

- 236.215. (1) When a vacancy occurs in the partisan elective office of county judge who does not exercise judicial functions or county commissioner, the remaining members of the county court or board of county commissioners of the county, pursuant to ORS 236.217, shall appoint a person qualified to hold office who is an elector of the county to perform the duties of the office until the term of office expires or the vacancy is filled by election.
- (2) When the provisions of ORS 236.217 apply, the appointment shall be made from a list of not fewer than three nor more than five nominees furnished by the county clerks. If fewer than three names of nominees are furnished or if no list is received by the appointing authority, the county court or board of county commissioners may consider additional qualified persons. The person so appointed must have been a member of the same major political party or minor political party as the person vacating the office at least 180 days before the date the vacancy to be filled occurred.
 - (3) The vacancy must be filled by appointment within 30 days after its occurrence.

SECTION 31. ORS 236.217 is amended to read:

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

SECTION 32. ORS 188.120 is amended to read:

- 188.120. (1) If a vacancy in election or office of Representative in Congress or United States Senator occurs before the 61st day before the general election, the Governor shall call a special election to fill that vacancy. If a vacancy in election or office of United States Senator occurs after the 62nd day before the general election but on or before the general election, and if the term of that office is not regularly filled at that election, the Governor shall call a special election to fill the vacancy as soon as practicable after the general election.
- (2) If a special election to fill the vacancy in election or office of Representative in Congress or United States Senator is called before the 80th day after the vacancy occurs, each major political party shall select its nominee for the office and certify the name of the nominee to the Secretary of State. The Secretary of State shall place the name of the nominee on the ballot.
- (3) If a special election to fill the vacancy in election or office of Representative in Congress or United States Senator is called after the 79th day after the vacancy occurs, a special primary election shall be conducted by the Secretary of State for the purpose of nominating a candidate of each major political party. A minor political party may nominate a candidate in accordance with the rules of the minor political party. A declaration of candidacy or nominating petition may be filed not later than the 10th day following the issuance of the writ of election.

SECTION 33. ORS 248.010 is repealed.

SECTION 34. This 2019 Act takes effect on the 91st day after the date on which the 2019

1 regular session of the Eightieth Legislative Assembly adjourns sine die.