

Senate Bill 604

Sponsored by Senator RINGO

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**.

Designates all elective public offices nonpartisan. Exempts offices of President and Vice President of United States. Modifies procedures for formation and maintenance of political parties. Modifies candidate nomination procedures.

A BILL FOR AN ACT

1
2 Relating to elections; creating new provisions; amending ORS 137.658, 171.051, 171.060, 171.068,
3 188.120, 244.250, 246.021, 246.310, 246.560, 248.006, 248.007, 248.008, 248.031, 248.033, 248.035,
4 248.043, 248.045, 248.315, 249.002, 249.013, 249.020, 249.031, 249.035, 249.037, 249.042, 249.056,
5 249.064, 249.072, 249.076, 249.088, 249.180, 249.205, 249.722, 249.735, 249.740, 251.022, 251.026,
6 253.030, 253.055, 253.540, 253.565, 254.005, 254.056, 254.076, 254.115, 254.125, 254.195, 254.205,
7 254.235, 254.365, 254.370, 254.470, 254.545, 254.565, 254.575, 260.005, 260.042, 260.055, 260.407 and
8 442.035 and section 2, chapter 542, Oregon Laws 2003; and repealing ORS 248.015, 248.017,
9 248.023, 248.024, 248.026, 248.027, 248.029, 249.015, 249.023, 249.046, 249.048, 249.068, 249.200 and
10 254.025.

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

11 **SECTION 1.** ORS 254.056, as amended by section 7, chapter 542, Oregon Laws 2003, is amended
12 to read:

13
14 254.056. (1) The general election shall be held on the first Tuesday after the first Monday in
15 November of each even-numbered year. Except as provided in section 2, chapter 542, Oregon Laws
16 2003, at the general election officers of the state and subdivisions of the state, members of Congress
17 and electors of President and Vice President of the United States as are to be elected in that year
18 shall be elected.

19 (2) The primary election shall be held on the third Tuesday in May of each even-numbered year.
20 At the primary election: [*precinct committeepersons shall be elected and major political party*]

21 **(a) Nonpartisan candidates may be elected as provided in ORS 249.088; and**

22 **(b) Candidates shall be nominated for offices to be filled at the general election held in that**
23 year.

24 **SECTION 2.** ORS 249.002 is amended to read:

25 249.002. As used in this chapter:

26 (1) "Candidate" means an individual whose name is or is expected to be printed on the official
27 ballot.

28 (2) "County clerk" means the county clerk or the county official in charge of elections.

29 (3) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-
30 tution.

31 (4) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon

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 Tax Court, or any county judge who exercises judicial functions.

2 (5) "Member" means an individual who is registered as being affiliated with the political party.

3 (6) "Minor political party" means a political party that has qualified as a minor political party
4 under ORS 248.008.

5 (7) "Nonpartisan office" means **United States Senator, Representative in Congress, any**
6 **state, county, city or district office** [*the office of judge, Superintendent of Public Instruction,*
7 *Commissioner of the Bureau of Labor and Industries, any elected office of a metropolitan service dis-*
8 *trict under ORS chapter 268, justice of the peace, county clerk, county assessor, county surveyor, county*
9 *treasurer, sheriff, district attorney*] or any office designated nonpartisan by a home rule charter.

10 (8) "Prospective petition" means the information, except signatures and other identification of
11 petition signers, required to be contained in a completed petition.

12 (9) "Public office" means any national, state, county, city or district office or position[, *except*
13 *a political party office,*] filled by the electors.

14 (10) "State office" means Governor, Secretary of State, State Treasurer, Attorney General,
15 Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, judge,
16 state Senator, state Representative or district attorney.

17 **SECTION 3.** ORS 249.088 is amended to read:

18 249.088. (1) [*Unless otherwise provided by*] **Subject to subsections (2) to (4) of this section**
19 **and the provisions of** a home rule charter, at the [*nominating election held on the date of the*] pri-
20 mary election, **the two candidates receiving the highest number of votes** shall be nominated for
21 the nonpartisan office.

22 (2) [*However,*] **Except as provided in subsections (3) and (4) of this section,** when a
23 candidate[, *other than a candidate for the office of sheriff, a candidate for the office of county clerk,*
24 *a candidate for the office of county treasurer or a candidate to fill a vacancy,*] **for nonpartisan office**
25 receives a majority of the votes cast for the office at the nominating election, that candidate is
26 elected.

27 (3) **Subsection (2) of this section does not apply to the office of United States Senator,**
28 **Representative in Congress, Governor, Secretary of State, State Treasurer, Attorney Gen-**
29 **eral, state Senator or state Representative.**

30 [(2)] (4) When a candidate for the office of sheriff, [*the office of*] county clerk[, *the office of*] **or**
31 county treasurer or a candidate to fill a vacancy receives a majority of votes cast for the office at
32 the nominating election, that candidate alone is nominated.

33 **SECTION 4.** ORS 254.005 is amended to read:

34 254.005. As used in this chapter:

35 (1) "Ballot" means any material on which votes may be cast for candidates or measures. In the
36 case of a recall election, "ballot" includes material posted in a voting compartment or delivered to
37 an elector by mail.

38 (2) "Ballot label" means the material containing the names of candidates or the measures to be
39 voted on.

40 (3) "Chief elections officer" means the:

41 (a) Secretary of State, regarding a candidate for a state office or an office to be voted on in the
42 state at large or in a congressional district, or a measure to be voted on in the state at large.

43 (b) County clerk, regarding a candidate for a county office, or a measure to be voted on in a
44 county only.

45 (c) City clerk, auditor or recorder, regarding a candidate for a city office, or a measure to be

1 voted on in a city only.

2 (4) "County clerk" means the county clerk or the county official in charge of elections.

3 (5) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-
4 tution.

5 (6) "Major political party" means a political party that has qualified as a major political party
6 under ORS 248.006.

7 (7) "Measure" includes any of the following submitted to the people for their approval or re-
8 jection at an election:

9 (a) A proposed law.

10 (b) An Act or part of an Act of the Legislative Assembly.

11 (c) A revision of or amendment to the Oregon Constitution.

12 (d) Local, special or municipal legislation.

13 (e) A proposition or question.

14 (8) "Minor political party" means a political party that has qualified as a minor political party
15 under ORS 248.008.

16 (9) "Nonpartisan office" means the office of **United States Senator, Representative in Con-**
17 **gress**, judge of the Supreme Court, Court of Appeals, circuit court or the Oregon Tax Court, **Gov-**
18 **ernor, Secretary of State, State Treasurer, Attorney General**, Superintendent of Public
19 Instruction, Commissioner of the Bureau of Labor and Industries, **state Senator, state Represen-**
20 **tative**, [*any elected office of a metropolitan service district under ORS chapter 268, justice of the peace,*
21 *county clerk, county assessor, county surveyor, county treasurer, county judge who exercises judicial*
22 *functions, sheriff,*] district attorney, **justice of the peace, any county, city or district office**, or
23 any office designated nonpartisan by a home rule charter.

24 (10) "Prospective petition" means the information, except signatures and other identification of
25 petition signers, required to be contained in a completed petition.

26 (11) "Regular district election" means the election held each year for the purpose of electing
27 members of a district board as defined in ORS 255.005 (2).

28 (12) **"Vote tally system" means one or more pieces of equipment necessary to examine**
29 **and tally automatically the marked or punched ballots.**

30 [(12)] (13) "Voting machine" means:

31 (a) Any device which will record every vote cast on candidates and measures and which will
32 either internally or externally total all votes cast on that device.

33 (b) Any device into which a ballot may be inserted and which is so designed and constructed
34 that the vote for any candidate or measure may be indicated by punching or marking the ballot.

35 [(13)] *"Vote tally system" means one or more pieces of equipment necessary to examine and tally*
36 *automatically the marked or punched ballots.*

37 **SECTION 5.** ORS 248.006 is amended to read:

38 248.006. (1) An affiliation of electors becomes a major political party in this state [*and is quali-*
39 *fied to make nominations at a primary election*] when a number of electors equal to at least five
40 percent of the number of electors registered in this state are registered as members of the party not
41 later than the 275th day before the date of a primary election. An affiliation of electors satisfying
42 the requirements of this subsection shall be subject to the provisions of ORS 248.007 on the date the
43 Secretary of State determines the registration requirements are satisfied.

44 (2) The number of electors described in subsection (1) of this section shall be calculated based
45 on the number of electors registered in this state and eligible to vote, as reported on the official

1 abstracts of the election, at the general election immediately preceding the deadline specified in
2 subsection (1) of this section.

3 (3) After an affiliation of electors becomes a major political party under subsection (1) of this
4 section, in order to maintain status as a major political party subject to ORS 248.007, the party must
5 satisfy the registration requirement of subsection (1) of this section not later than the 275th day
6 before each primary election.

7 (4) An affiliation of electors ceases to be a major political party if the registration requirements
8 of subsection (1) of this section are not satisfied by the 275th day before each primary election. The
9 affiliation of electors ceases to be a major political party on the date the Secretary of State deter-
10 mines that the registration requirement is not satisfied.

11 (5) When an affiliation of electors has not satisfied the registration requirement of subsection
12 (1) of this section for the first time, at the request of a representative of the affiliation of electors,
13 the Secretary of State shall determine not less than once each month whether at least five percent
14 of the number of eligible electors registered in this state are registered as members of the party.
15 After an affiliation of electors has qualified as a major political party, the Secretary of State shall
16 determine on the 274th day before each primary election whether the major political party has sat-
17 isfied the registration requirements described in subsection (3) of this section.

18 **SECTION 6.** ORS 248.007 is amended to read:

19 248.007. (1) Subject to ORS 248.005, a major political party may organize and select delegates
20 to national party conventions in any manner.

21 (2) The provisions of ORS 248.012 to 248.315 do not apply to a major political party if the party
22 has notified the Secretary of State as provided in subsection [(5)] (4) of this section that the party
23 does not intend to be subject to the provisions of ORS 248.012 to 248.315. [*References to precinct*
24 *committeepersons in any provisions of ORS chapters 246 to 260 do not apply to a party described in*
25 *this subsection.*]

26 (3) ORS 248.012 to 248.315 apply only to a major political party that has notified the Secretary
27 of State as provided in subsection [(5)] (4) of this section that the political party intends to be sub-
28 ject to the provisions of ORS 248.012 to 248.315. [*References to precinct committeepersons in any*
29 *provisions of ORS chapters 246 to 260 shall apply to a party described in this subsection.*] If a major
30 political party fails to notify the Secretary of State under this subsection, the party shall be con-
31 sidered subject to the provisions of ORS 248.012 to 248.315.

32 [(4) A major political party shall notify the Secretary of State as provided in subsection (5) of this
33 section if the party does not intend to be subject to the provisions of ORS 248.012 to 248.315 except that
34 the party intends to elect precinct committeepersons. If a party notifies the Secretary of State under this
35 subsection, the party shall elect precinct committeepersons only as provided in ORS 248.015 and shall
36 elect precinct committeepersons in the same manner in all precincts in this state.]

37 [(5)] (4) Not later than the 274th day before the date of the primary election, a major political
38 party shall notify the Secretary of State in writing whether or not the party intends to be subject
39 to the provisions of ORS 248.012 to 248.315 [*or whether the party intends to elect precinct committe-*
40 *persons under subsection (4) of this section*]. If the major political party does not intend to be subject
41 to the provisions of ORS 248.012 to 248.315 [*or intends to elect precinct committeepersons under sub-*
42 *section (4) of this section*], the party shall file with the Secretary of State, at the same time notice
43 is given under this subsection, a copy of its organizational documents setting forth the manner in
44 which its officers and managing committees are selected or any other manner in which it conducts
45 its affairs.

1 [(6)] (5) In each even-numbered year, a major political party shall file with the Secretary of State
 2 a statement indicating that the party is operating subject to ORS 248.012 to 248.315 or a copy of
 3 current organizational documents setting forth the manner in which its officers and managing com-
 4 mittees are selected or any other manner in which it conducts its affairs. Material described in this
 5 subsection shall be filed on the 274th day before the third Tuesday in May of each odd-numbered
 6 year.

7 [(7) A major political party subject to the provisions of this section shall nominate candidates of
 8 the major political party, for other than political party office, at the primary election.]

9 **SECTION 7.** ORS 248.008 is amended to read:

10 248.008. (1) An affiliation of electors becomes a minor political party in [*the state, a county or*
 11 *other electoral district,*] **this state**, qualified to make nominations for public office in [*that electoral*
 12 *district and in any other electoral district wholly contained within the electoral district*] **this state in**
 13 **years in which a President and Vice President of the United States are to be elected**, when
 14 either of the following events occurs:

15 (a) When the affiliation of electors has filed with the Secretary of State a petition with the
 16 signatures of at least a number of electors equal to one and one-half percent of the total votes cast
 17 in the [*electoral district*] **state** for all candidates for Governor at the most recent election at which
 18 a candidate for Governor was elected to a full term. The petition also shall state the intention to
 19 form a new political party and give the designation of it. The filed petition shall contain only ori-
 20 ginal signatures. The petition shall be filed not later than two years following the date the pro-
 21 spective petition is filed. The circulator shall certify on each signature sheet that the individuals
 22 signed the sheet in the presence of the circulator and that the circulator believes each individual
 23 is an elector registered in the [*electoral district*] **state**. The Secretary of State shall verify whether
 24 the petition contains the required number of signatures of electors. The petition shall not be ac-
 25 cepted for filing if it contains less than 100 percent of the required number of signatures. The Sec-
 26 retary of State by rule shall designate a statistical sampling technique to verify whether a petition
 27 contains the required number of signatures of electors. A petition shall not be rejected for the
 28 reason that it contains less than the required number of signatures unless two separate sampling
 29 processes both establish that the petition lacks the required number of signatures. The second
 30 sampling must contain a larger number of signatures than the first sampling. The Secretary of State
 31 may employ professional assistance to determine the sampling technique. The statistical sampling
 32 technique may be the same as that adopted under ORS 250.105. Before circulating the petition, the
 33 chief sponsor of the petition shall file with the Secretary of State a signed copy of the prospective
 34 petition. The chief sponsor shall include with the prospective petition a statement declaring whether
 35 one or more persons will be paid money or other valuable consideration for obtaining signatures of
 36 electors on the petition. After the prospective petition is filed, the chief sponsor shall notify the
 37 filing officer not later than the 10th day after the chief sponsor first has knowledge or should have
 38 had knowledge that:

39 (A) Any person is being paid for obtaining signatures, when the statement included with the
 40 prospective petition declared that no such person would be paid.

41 (B) No person is being paid for obtaining signatures, when the statement included with the
 42 prospective petition declared that one or more such persons would be paid.

43 (b) When the affiliation of electors has polled for [*any one of its candidates for any public office*
 44 *in the electoral district*] **its candidate for President of the United States** at least one percent of
 45 the total votes cast in the [*electoral district*] **state** for all candidates for[:]

1 [(A)] presidential elector at the last general election at which candidates for President and Vice
2 President of the United States were listed on the ballot.[: or]

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

6 (2) After satisfying either requirement of subsection (1) of this section, the minor political party
7 may nominate candidates at the next general election **at which a President and Vice President**
8 **of the United States are to be elected** if at any time during the period beginning on the date of
9 the next primary election **held in a year when a President and Vice President of the United**
10 **States are to be elected** and ending on the 90th day before the next general election **held in a**
11 **year when a President and Vice President of the United States are to be elected**, a number
12 of electors equal to at least one-tenth of one percent of the total votes cast in the state [*or electoral*
13 *district*] for all candidates for Governor at the most recent election at which a candidate for Gov-
14 ernor was elected to a full term are registered as members of the party.

15 (3) A filing officer [*shall*] **may** not accept a certificate of nomination of a candidate nominated
16 by a minor political party unless the minor political party has satisfied the registration requirement
17 of subsection (2) of this section.

18 (4) After a minor political party qualifies to nominate candidates, in order to maintain status
19 as a minor political party:

20 (a) A candidate or candidates of the party must poll a number of votes described in subsection
21 (1)(b) of this section at each subsequent general election **held in a year when a President and**
22 **Vice President of the United States are to be elected** and following [*each*] **that** general election,
23 the registration requirement of subsection (2) of this section must be satisfied; or

24 (b) Following each general election **held in a year when a President and Vice President of**
25 **the United States are to be elected**, at any time during the period beginning on the date of the
26 next primary election **held in a year when a President and Vice President of the United States**
27 **are to be elected** and ending on the 90th day before the next general election **held in a year when**
28 **a President and Vice President of the United States are to be elected**, a number of electors
29 equal to at least one-half of one percent of the total number of registered electors in this state must
30 be registered as members of the party.

31 (5) An affiliation of electors ceases to be a minor political party in the state [*or electoral*
32 *district*] if:

33 (a) The registration requirement of subsection (2) or (4)(b) of this section is not satisfied. The
34 affiliation of electors ceases to be a minor political party on the date of the deadline for satisfying
35 the registration requirement; or

36 (b) Except as provided in subsection (4)(b) of this section, in the case of a minor political party
37 qualified to nominate candidates, a candidate or candidates of the minor political party do not sat-
38 isfy the one percent requirement specified in subsection (1)(b) of this section at the next general
39 election **held in a year when a President and Vice President of the United States are to be**
40 **elected**. The affiliation of electors ceases to be a minor political party on the date of the election.

41 (6) During the period beginning on the date of the primary election **held in a year when a**
42 **President and Vice President of the United States are to be elected** and ending on the 90th day
43 before the date of the general election **held in a year when a President and Vice President of**
44 **the United States are to be elected**, the Secretary of State shall determine not less than once each
45 month whether the registration requirement of subsection (2) or (4)(b) of this section has been sat-

1 isfied. If the party changes its name, only those electors who register on or after the effective date
 2 of the name change as members of the party under the new party name shall be counted as members
 3 of the party under this subsection.

4 (7) An affiliation of electors or a minor political party may not satisfy the one percent require-
 5 ment referred to in subsection (1)(b) of this section by nominating a candidate who is the nominee
 6 of another political party at the same election.

7 **SECTION 8.** ORS 248.031 is amended to read:

8 248.031. *[The precinct committeepersons of the county shall constitute the county central committee*
 9 *of their party.]* The county central committee of each major political party is the highest party au-
 10 thority in county party matters and may adopt rules or resolutions for any matter of party govern-
 11 ment within the county which is not controlled by the laws of this state.

12 **SECTION 9.** ORS 248.033 is amended to read:

13 248.033. (1) The organizational meeting of a *[newly elected]* county central committee shall be
 14 held not sooner than the sixth day following the mailing of the notice of the organizational meeting
 15 required by subsection (2) of this section and not later than the 50th day after the date of the pri-
 16 mary election or the 50th day after the date of the general election, as provided by state party rule.
 17 The retiring county central committee shall prepare a written notice designating the time, date and
 18 place of the meeting. *[A copy of the notice for each newly elected precinct committeeperson shall be*
 19 *filed with the county clerk not later than the 10th day following the primary election.]* The retiring
 20 county central committee also shall mail a copy of the notice to the retiring state central committee.

21 *[(2) The county clerk shall mail a copy of the notice of the organizational meeting to each newly*
 22 *elected precinct committeeperson when the county clerk mails the certificate of election or acceptance*
 23 *of office required by ORS 248.023 (1).]*

24 *[(3)] (2)* If the organizational meeting is held after the general election, the chairperson of the
 25 retiring county central committee shall mail a *[second copy of the]* notice of the time, date and place
 26 of the meeting, not later than the 10th day before the meeting, to each member of the *[newly*
 27 *elected]* county central committee.

28 **SECTION 10.** ORS 248.035 is amended to read:

29 248.035. (1) At the organizational meeting of the *[newly elected]* county central committee:

30 (a) The officers of the retiring county central committee shall make available to the *[newly*
 31 *elected]* committee the property, records and funds owned or controlled by the retiring committee.

32 (b) The *[newly elected]* committee next shall elect a chairperson, vice chairperson and other of-
 33 ficers the committee considers necessary. The persons elected to the offices need not be members
 34 of the county central committee. The committee shall determine the term of each office. *[Only a*
 35 *newly elected precinct committeeperson may vote on the election of committee officers.]*

36 (2) The newly elected chairperson, within 48 hours of the chairperson's election, shall send a list
 37 of the newly elected officers of the committee to the county clerk and to the retiring state central
 38 committee.

39 *[(3) Only a newly elected precinct committeeperson or a person appointed or selected to fill a va-*
 40 *cancy in the office of committeeperson may vote to fill a vacancy in a committee office. Immediately*
 41 *before a meeting of the county central committee at which there may be an election to fill a vacancy in*
 42 *a committee office, the chairperson shall obtain from the county clerk a list of committee members. The*
 43 *list shall determine the eligibility of a committeeperson to vote to fill a vacancy in a committee office.]*

44 **SECTION 11.** ORS 248.043 is amended to read:

45 248.043. If a *[newly elected]* county central committee fails to meet or to organize *[or if no person*

1 *within a county is elected by a major political party as a precinct committeeperson*], the chairperson
 2 of the retiring state central committee shall appoint a temporary chairperson of the county central
 3 committee. The temporary chairperson shall call an organizational meeting and organize the com-
 4 mittee as provided by applicable provisions of ORS 248.033 and 248.035. *[A temporary chairperson*
 5 *appointed when no precinct committeeperson is elected may appoint members to fill the vacancies in the*
 6 *office of committeeperson for the precinct in which the persons are registered. A person so appointed*
 7 *may be removed from office at the pleasure of the central committee, but otherwise shall hold the office*
 8 *of committeeperson for the unexpired term and shall have the powers, duties and privileges of a com-*
 9 *mitteeperson. When a person is appointed to the office of committeeperson pursuant to this subsection,*
 10 *the temporary chairperson shall notify, in writing, the county clerk of the appointment. The county clerk*
 11 *shall place the name of the person appointed on the list of committeepersons.]*

12 **SECTION 12.** ORS 248.045 is amended to read:

13 248.045. Proxies *[in no instance shall be permitted to]* **may not** participate at any county central
 14 committee meeting. At any meeting of the county central committee, the committee may:

15 (1) Adopt, amend or repeal bylaws or rules for the government of the political party in the
 16 county.

17 (2) By the adoption of bylaws or of a resolution, select an executive committee and authorize
 18 the executive committee to exercise those powers delegated to it by the central committee *[includ-*
 19 *ing, but not limited to, the power to fill a vacancy in the office of committeeperson pursuant to ORS*
 20 *248.026]*. In no event may the central committee delegate, or the executive committee exercise, the
 21 power to elect a person to, or fill a vacancy in, a committee office. The persons selected as the
 22 executive committee need not be members of the county central committee.

23 (3) *[Except as provided by ORS 248.035 (3),]* Grant participation and voting privileges to a:

24 (a) Person who holds a public office or an office of a political party.

25 (b) Person who has been nominated for a public office at the preceding primary election.

26 (c) Member of the executive committee of the county central committee.

27 **SECTION 13.** ORS 248.315 is amended to read:

28 248.315. (1) After a presidential preference primary election **held in a year when a President**
 29 **and Vice President of the United States are to be elected**, each major political party whose
 30 national affiliate holds a convention to select its nominee for President of the United States shall
 31 select delegates to the national convention of that party.

32 (2) Delegates to the national convention of a party shall be selected in the manner provided by
 33 party rules, which shall provide all electors registered as members of the party equal opportunity
 34 to participate in the selection of delegates.

35 (3) Delegates to the national convention of the party shall be selected so that the number of
 36 delegates who favor a certain candidate shall represent the proportion of votes received by the
 37 candidate in relation to the other candidates of that party at the presidential preference primary
 38 election **held in a year when a President and Vice President of the United States are to be**
 39 **elected**. Each person selected as a delegate shall sign a pledge that the person will continue to
 40 support at the national convention the candidate for President of the United States the person is
 41 selected as favoring until:

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

43 (b) The candidate receives less than 35 percent of the votes for nomination at the convention;

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

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

SECTION 14. ORS 249.013 is amended to read:

249.013. (1) *[No person shall]* **A person may not** be a candidate for more than one lucrative office to be filled at the same election.

(2) *[No person shall]* **A person may not** file a nominating petition or declaration of candidacy for more than one lucrative office *[or more than one office of precinct committeeperson]* before the date of the election at which a person will be nominated or elected to each office unless the person first files a written withdrawal, under ORS 249.170, of the person’s initial filing.

(3) If at any time before the date of the election at which a person will be nominated or elected to each office it is determined that a person has filed two or more nominating petitions or declarations of candidacy for any lucrative office *[or two or more nominating petitions or declarations of candidacy for the office of precinct committeeperson]* without written withdrawal or withdrawals intervening, all such filings shall be invalid and any other filing made by the same person shall be void.

(4)(a) *[No person shall]* **A person may not** be a candidate for more than one district office to be filled at the same election. This paragraph does not apply to a district that has fewer than 10,000 electors residing within the district.

(b) *[No person shall]* **A person may not** be a candidate for more than one position on the same district board to be filled at the same election.

(c) As used in this subsection, “district” means a district as defined in ORS 255.012.

(5) *[No person shall]* **A person may not** be a candidate for more than one city office to be filled at the same election.

(6) Notwithstanding any provision of this section, in the case of a vacancy to be filled by election, the same person is eligible for nomination and election to both the unexpired and the succeeding terms. The name of the candidate may be placed on the ballot in both places.

SECTION 15. ORS 249.020 is amended to read:

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

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

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

SECTION 16. ORS 249.031 is amended to read:

249.031. (1) *[Except as provided in subsection (2) of this section,]* A nominating petition or declaration of candidacy shall contain:

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

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

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

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

[(e)] **(d)** A statement that the candidate is willing to accept the nomination or election *[or, re-*

1 *garding a candidate for precinct committeeperson, that the candidate accepts the office if elected].*

2 [(f)] (e) A statement that the candidate will qualify if elected.

3 [(g) *If the candidate is seeking the nomination of a major political party, a statement that the*
 4 *candidate, if not nominated, will not accept the nomination or indorsement of any political party other*
 5 *than the one of which the candidate is a member on the date the petition or declaration is filed.]*

6 [(h)] (f) The signature of the candidate.

7 [(i)] (g) A statement of the candidate’s occupation, educational and occupational background and
 8 prior governmental experience. **In the case of a candidate for the office of United States Sen-
 9 ator, Representative in Congress, Governor, Secretary of State, State Treasurer, Attorney
 10 General, state Senator or state Representative, the statement shall list the political party,
 11 if any, of which the candidate is a member.**

12 [(2) *Subsection (1)(i) of this section does not apply to a candidate for election as a precinct com-
 13 mitteeperson.*]

14 [(3)] (2) A declaration of candidacy shall include a statement that the required fee is included
 15 with the declaration.

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

19 **SECTION 17.** ORS 249.035 is amended to read:

20 249.035. A nominating petition or declaration of candidacy relating to a candidate for:

21 (1) State office, United States Senator or Representative in Congress shall be filed with the
 22 Secretary of State.

23 (2) County office [*or precinct committeeperson*] shall be filed with the county clerk.

24 (3) City office shall be filed with the chief city elections officer.

25 (4) Any elected office of a metropolitan service district under ORS chapter 268 shall be filed
 26 with the county clerk of the county in which the administrative office of the district is located.

27 (5) Any other office shall be filed under ORS chapter 255.

28 **SECTION 18.** ORS 249.037 is amended to read:

29 249.037. [(1)] A nominating petition or declaration of candidacy shall be filed not sooner than
 30 the 415th day and not later than the 70th day before the date of the primary election.

31 [(2) *Notwithstanding subsection (1) of this section, a declaration of candidacy for the office of pre-
 32 cinct committeeperson shall not be filed before February 1 immediately preceding the primary
 33 election.*]

34 **SECTION 19.** ORS 249.042 is amended to read:

35 249.042. When an elector files with the appropriate filing officer a signed copy of the elector’s
 36 prospective petition for nomination under ORS 249.061, or a declaration of candidacy, [*it shall be*]
 37 **the signed copy is** conclusive evidence that the elector is a candidate for nomination or election
 38 [*by the elector’s political party or*] to the nonpartisan office stated in the petition or declaration.

39 **SECTION 20.** ORS 249.056 is amended to read:

40 249.056. (1) At the time of filing a declaration of candidacy a candidate for the following offices
 41 shall pay to the officer with whom the declaration is filed the following fee:

42 (a) United States Senator, \$150.

43 (b) Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bu-
 44 reau of Labor and Industries, Superintendent of Public Instruction, Representative in Congress,
 45 judge of the Supreme Court, Court of Appeals or Oregon Tax Court, or executive officer or auditor

1 of a metropolitan service district, \$100.

2 (c) County office, district attorney or circuit court judge, \$50.

3 (d) State Senator or **state** Representative or councilor of a metropolitan service district under
4 ORS chapter 268, \$25.

5 (2) No filing fee shall be required of persons filing a declaration of candidacy for [*precinct com-*
6 *mitteeperson or*] justice of the peace.

7 **SECTION 21.** ORS 249.064 is amended to read:

8 249.064. [(1) *A nominating petition of a candidate seeking the nomination of a major political party*
9 *shall contain a statement that each elector whose signature appears on the petition is a member of the*
10 *same major political party as is the candidate.*]

11 [(2)] (1) A nominating petition [*of any candidate shall*] **must** contain the number of signatures
12 of electors required by ORS [*249.068 or*] 249.072 and the residence address and name or number of
13 the precinct, if known, of each elector whose signature appears.

14 [(3)] (2) The signatures contained in the nominating petition shall be certified for genuineness
15 by the county clerks under ORS 249.008.

16 **SECTION 22.** ORS 249.072 is amended to read:

17 249.072. (1) [*If the nonpartisan office is to be voted for in the state at large, the*] **A** nominating
18 petition **for an office to be voted for in the state at large or for a candidate for Representative**
19 **in Congress** shall contain at least 1,000 signatures of electors, or a number of signatures of electors
20 equal to at least one percent of the vote cast in the state **or congressional district, as the case**
21 **may be**, for all candidates for Governor at the most recent election at which a candidate for Gov-
22 ernor was elected to a full term, whichever is less. **If the office is to be voted for in the state**
23 **at large**, the signatures shall include those of electors registered in each of at least five percent
24 of the precincts in each of at least seven counties. **If the office is one to be voted for in a con-**
25 **gressional district, the signatures shall include those of electors registered in at least five**
26 **percent of the precincts in each of at least one-fourth of the counties in the congressional**
27 **district.**

28 (2) **For an election next following any change in the boundaries of a congressional dis-**
29 **trict, there shall be at least 1,000 signatures or the number of signatures at least equal to**
30 **one percent of the average number of votes cast in all congressional districts in this state,**
31 **as the case may be, for all candidates for Governor at the most recent election at which a**
32 **candidate for Governor was elected to a full term, whichever is less.**

33 [(2)] (3)(a) The nominating petition for a nonpartisan office not provided for in subsection (1)
34 **or (2)** of this section shall contain at least 500 signatures of electors in the electoral district, or a
35 number of signatures of electors equal to at least one percent of the vote cast in the electoral dis-
36 trict for all candidates for Governor at the most recent election at which a candidate for Governor
37 was elected to a full term, whichever is less. [*In addition:*]

38 (b) **In the case of candidates for the office of state Senator or the office of state Repre-**
39 **sentative, for an election next following any change in the boundaries of the districts of state**
40 **Senators or state Representatives under section 6, Article IV of the Oregon Constitution, the**
41 **nominating petition shall contain at least 500 signatures or the number of signatures at least**
42 **equal to one percent of the average number of votes cast in all state senatorial or state**
43 **representative districts in this state, as the case may be, for all candidates for presidential**
44 **electors at the last presidential election, whichever is less.**

45 [(a)] (c) If an office under this subsection is to be voted for in more than one county, the sig-

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

6 [(b)] (d) If the office is to be voted for in only one county or in a city, the signatures shall in-
 7 clude those of electors registered in each of at least 10 percent of the precincts in the electoral
 8 district.

9 **SECTION 23.** ORS 249.076 is amended to read:

10 249.076. [No person who is not a member of the same major political party as the candidate for
 11 nomination by the major political party may sign the nominating petition of the candidate. However,]
 12 Any elector may sign:

13 (1) A nominating petition or certificate of nomination of any candidate for nonpartisan office
 14 or independent candidate; and

15 (2) Nominating petitions or certificates of nomination for more than one candidate for the same
 16 office.

17 **SECTION 24.** ORS 249.180 is amended to read:

18 249.180. Any person who has been nominated at a primary election, or any person who has been
 19 nominated to fill a vacancy as provided in ORS 188.120 or 249.190 [and 249.200], may withdraw from
 20 nomination by filing a written statement declining the nomination and stating the reason for with-
 21 drawal. The statement shall be signed by the candidate and filed not later than the 67th day before
 22 the general election with the officer with whom the candidate's declaration of candidacy or nomi-
 23 nating petition was filed.

24 **SECTION 25.** ORS 249.205 is amended to read:

25 249.205. (1) If the only candidate nominated to a nonpartisan office dies, withdraws or becomes
 26 ineligible, or if a vacancy occurs in the nonpartisan office after the 70th day before the
 27 [nominating] **primary** election and on or before the 62nd day before the general election, a candi-
 28 date for the office may file a declaration of candidacy in the manner provided for nonpartisan office
 29 or shall be nominated by nominating petition in the manner provided for nonpartisan office.

30 (2) The Secretary of State by rule may adopt a schedule for filing nominating petitions or dec-
 31 larations of candidacy under this section. The schedule may specify the period within which nomi-
 32 nating petitions or declarations of candidacy must be filed after a vacancy occurs.

33 **SECTION 26.** ORS 249.722 is amended to read:

34 249.722. (1) Except as provided in subsection (3) of this section, a certificate of nomination of a
 35 candidate for public office shall be filed not sooner than the 415th day and not later than the 70th
 36 day before the date of the general election.

37 [(2) A certificate of nomination of a candidate for:]

38 [(a) State office, United States Senator or Representative in Congress shall be filed with the Sec-
 39 retary of State.]

40 [(b) County office shall be filed with the county clerk.]

41 [(c) City office shall be filed with the chief city elections officer]

42 **(2) Certificates of nomination of candidates for electors of President and Vice President**
 43 **of the United States shall be filed with the Secretary of State.**

44 (3) For a special election, including an election to fill a vacancy that occurs after the 70th day
 45 before the general election, the Secretary of State by rule may adopt a schedule specifying the pe-

1 riord within which a certificate of nomination must be filed. If the Secretary of State does not adopt
 2 a rule under this subsection, a certificate of nomination must be filed before the 61st day preceding
 3 the election.

4 **SECTION 27.** ORS 249.735 is amended to read:

5 249.735. (1) An assembly of electors is an organized body[:]

6 [(a)] of not fewer than 1,000 electors of the state for a statewide nomination.

7 [(b) *Of not fewer than 500 electors of the congressional district for which the nomination for Rep-*
 8 *resentative in Congress is made.*]

9 [(c) *Of not fewer than 250 electors of the county or any other district for which the nomination is*
 10 *made.*]

11 (2) An assembly of electors shall nominate candidates at a nominating convention. The conven-
 12 tion shall be held in one day and [*last not*] **may not last** longer than 12 hours. The signature,
 13 printed name and residence mailing address of each member of the assembly shall be recorded at
 14 the convention and entered of record in the minutes by the secretary of the assembly. Not less than
 15 the minimum number of electors required to constitute an assembly of electors [*shall have*
 16 *recorded*] **must record** their signatures in the minutes of the assembly and must be present when
 17 the assembly nominates a candidate. The candidate receiving the highest number of votes of the
 18 assembly for the office [*shall be*] **is** the nominee of the assembly.

19 (3) Not later than the 10th day before the meeting of an assembly of electors, notice shall be
 20 published at least once in not less than three newspapers of general circulation within the electoral
 21 district for which the nomination will be made. The notice shall contain the time and place the as-
 22 sembly will meet, the office or offices for which nominations will be made, and the names and ad-
 23 dresses of not fewer than 25 electors qualified to vote in the assembly who desire that it be held.

24 (4) Proof of publication of notice in subsection (3) of this section shall be made by affidavit of
 25 the owner, editor, publisher, manager, advertising manager, principal clerk of any of them, or the
 26 printer or printer's foreman of the newspaper in which the notice is published. The affidavit shall
 27 show publication and shall be filed with the filing officer with the certificate of nomination.

28 (5) Not later than the 10th day before the meeting of an assembly of electors, a copy of the
 29 notice under subsection (3) of this section shall be delivered to the filing officer who will supervise
 30 the conduct of the nominating convention.

31 (6) The presiding officer of an assembly of electors shall deliver the signatures of assembly
 32 members entered in the minutes to the appropriate county clerks of the counties in which the as-
 33 sembly members live. The signatures shall be certified by the appropriate county clerk under ORS
 34 249.008. A copy of the minutes, certified by the secretary of the assembly, and the certificate of the
 35 county clerk shall be filed with the filing officer with the certificate of nomination.

36 (7) If the assembly of electors designates a committee to whom the assembly delegated the au-
 37 thority to fill vacancies as provided in ORS 249.842, a notice containing the names of the members
 38 of the committee shall be delivered to the filing officer with the certificate of nomination.

39 **SECTION 28.** ORS 249.740 is amended to read:

40 249.740. (1) A certificate of nomination made by individual electors shall contain a number of
 41 signatures of electors in the electoral district equal to not less than one percent of the total votes
 42 cast in the electoral district for which the nomination is intended to be made, for all candidates for
 43 presidential electors at the last general election.

44 (2) Each elector signing a certificate of nomination made by individual electors shall include the
 45 residence mailing address of the elector. [*Except for*] A certificate of nomination of candidates for

1 electors of President and Vice President of the United States[*a certificate of nomination*] made by
 2 individual electors [*shall*] **may** contain the name of [*only*] **more than** one candidate.

3 (3) Before beginning to circulate the certificate of nomination, the chief sponsor of the certif-
 4 icate shall file a signed copy of the prospective certificate with the [*filing officer referred to in ORS*
 5 *249.722*] **Secretary of State**. The chief sponsor of the certificate shall include with the prospective
 6 certificate a statement declaring whether one or more persons will be paid money or other valuable
 7 consideration for obtaining signatures of electors on the certificate. After the prospective certificate
 8 is filed, the chief sponsor shall notify the [*filing officer*] **secretary** not later than the 10th day after
 9 the chief sponsor first has knowledge or should have had knowledge that:

10 (a) Any person is being paid for obtaining signatures, when the statement included with the
 11 prospective certificate declared that no such person would be paid.

12 (b) No person is being paid for obtaining signatures, when the statement included with the pro-
 13 spective certificate declared that one or more such persons would be paid.

14 (4) The circulator shall certify on each signature sheet that the individuals signed the sheet in
 15 the presence of the circulator and that the circulator believes each individual is an elector regis-
 16 tered in the electoral district.

17 (5) The signatures contained in each certificate of nomination made by individual electors shall
 18 be certified for genuineness by the county clerk under ORS 249.008.

19 (6) As used in this section, “prospective certificate” means the information, except signatures
 20 and other identification of certificate signers, required to be contained in a completed certificate
 21 of nomination.

22 **SECTION 29.** ORS 251.022 is amended to read:

23 251.022. (1) If a special election or special primary election is held under ORS 188.120 for the
 24 purpose of filling a vacancy in election or office of United States Senator or Representative in
 25 Congress, or for nominating [*a candidate of each major political party*] **candidates** to fill the vacancy,
 26 the Secretary of State shall prepare a voters’ pamphlet for each election.

27 (2) A voters’ pamphlet prepared under subsection (1) of this section shall contain information
 28 about the candidates for nomination or election to the office of United States Senator or Represen-
 29 tative in Congress at the special election or special primary election.

30 **SECTION 30.** ORS 251.026 is amended to read:

31 251.026. (1) The Secretary of State shall prepare and have printed in the voters’ pamphlet for
 32 the state primary election, the general election and any special election described in ORS 251.022
 33 a statement containing, if applicable:

34 (a) Requirements for a citizen to qualify as an elector.

35 (b) When an elector is required to register or update a registration.

36 [*(c) In the voters’ pamphlet for the primary election, a statement of the duties and responsibilities*
 37 *of a precinct committeeperson to be elected at the primary election.*]

38 [*(d)*] (c) Any other information the Secretary of State considers relevant to the conduct of the
 39 election.

40 (2) The Secretary of State shall include a statement on the cover of the voters’ pamphlet that
 41 the pamphlet may be used to assist electors in voting.

42 (3) The Secretary of State may include in the voters’ pamphlet the following information:

43 (a) Maps showing the boundaries of senatorial and representative districts.

44 (b) Voter registration forms.

45 (c) Elector instructions, including the right of an elector to request a second ballot if the first

1 ballot is spoiled and the right of an elector to seek assistance in marking the ballot.

2 **SECTION 31.** ORS 253.030 is amended to read:

3 253.030. (1) Before an election any elector may apply to the clerk for the absentee ballot of the
4 election.

5 (2) An application for an absentee ballot must:

6 (a) Be in writing and signed by the applicant; and

7 (b) Be received by the clerk not later than 8 p.m. the day of the election.

8 (3) If an applicant not affiliated with any political party desires to vote in any major political
9 party primary election **held in a year when a President and Vice President of the United States**
10 **are to be elected**, the applicant may request and shall be sent a ballot for a major political party
11 if that political party has provided under ORS 254.365 for a primary election that admits electors
12 not affiliated with any political party.

13 (4) Application for an absentee ballot may be made by using a facsimile machine. As used in this
14 subsection, "facsimile machine" means a machine that electronically transmits or receives facsimiles
15 of documents through connection with a telephone network.

16 (5) If an elector desires, the elector's application shall be valid for every subsequent election
17 until the elector otherwise notifies the clerk or is no longer an elector of the county.

18 **SECTION 32.** ORS 253.055 is amended to read:

19 253.055. (1) Absentee ballots may be the regular ballots used at the election or special ballots
20 and, except as provided in subsections (2) and (3) of this section, shall be in substantially the same
21 form as the regular ballots used at the election.

22 (2) In counties in which voting machines are used, paper ballots may be used as absentee ballots.

23 (3) Ballot stubs are not required on absentee ballots.

24 (4) The ballot delivered to each absent elector shall contain the names and other information
25 concerning all candidates and the information concerning all measures for which the absent elector
26 is entitled to vote. [*In lieu of the names and other information concerning candidates for precinct*
27 *committeeperson, blank spaces shall be provided on the ballot, in which the absent elector may write*
28 *the name of a candidate for that office.*]

29 **SECTION 33.** ORS 253.540 is amended to read:

30 253.540. (1) Any long term absent elector may secure an absentee ballot by submitting an ap-
31 plication as specified in subsection (2) of this section to the clerk of the county of the long term
32 absent elector's residence, or to the Secretary of State. If the application is addressed to the Sec-
33 retary of State, the secretary shall forward it to the appropriate county clerk.

34 (2) An application for an absentee ballot by a long term absent elector shall be made in the form
35 of a written request. The application shall be valid for every subsequent election until the elector
36 otherwise notifies the clerk or is no longer an elector of the county. The application shall be signed
37 by the applicant and contain:

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

39 (b) A statement that the applicant is a citizen of the United States;

40 (c) A statement that the applicant will be 18 years of age or older on the date of the election;

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

43 (e) A statement of the facts that qualify the applicant as a long term absent elector or as the
44 spouse or a dependent of a long term absent elector;

45 (f) A statement that the applicant is not requesting a ballot from any other state and is not

1 voting in any other manner in the election except by the requested absentee ballot; and

2 (g) If the applicant desires to vote in a primary election **held in a year when a President and**
 3 **Vice President of the United States are to be elected**, a designation of the applicant's political
 4 party affiliation or a statement that the applicant is not affiliated with any political party. An ap-
 5 plicant not affiliated with any political party may request a ballot for a major political party. The
 6 applicant shall be sent the ballot for the political party that the applicant requested if that political
 7 party has provided under ORS 254.365 for a primary election that admits electors not affiliated with
 8 any political party.

9 **SECTION 34.** ORS 253.565 is amended to read:

10 253.565. (1) Any long term absent elector may secure a special absentee ballot for a primary
 11 election or general election by making an application under this section if the elector believes that:

12 (a) The elector will be residing, stationed or working outside the territorial limits of the United
 13 States and the District of Columbia; and

14 (b) The elector will be unable to vote and return a regular absentee ballot by normal mail de-
 15 livery within the period provided for regular absentee ballots.

16 (2) A long term absent elector shall make the application for a special absentee ballot in the
 17 form of a written request. The elector shall submit the application before the date of the applicable
 18 election to the clerk of the county of the long term absent elector's residence or to the Secretary
 19 of State. If the application is addressed to the Secretary of State, the secretary shall forward it to
 20 the appropriate county clerk. The application shall be signed by the applicant and contain:

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

22 (b) A designation of the election for which the applicant requests a special absentee ballot;

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

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

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

27 (f) A statement of the facts that qualify the applicant as a long term absent elector or as the
 28 spouse or a dependent of a long term absent elector;

29 (g) A statement of the facts that qualify the applicant to vote by means of a special absentee
 30 ballot;

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

33 (i) If the applicant requests a ballot for a primary election **held in a year when a President**
 34 **and Vice President of the United States are to be elected**, a designation of the applicant's poli-
 35 tical party affiliation or a statement that the applicant is not affiliated with any political party. An
 36 applicant not affiliated with any political party may request a ballot for a major political party. The
 37 applicant shall be sent the ballot for the political party that the applicant requested if that political
 38 party has provided under ORS 254.365 for a primary election that admits electors not affiliated with
 39 any political party.

40 (3) An application for a special absentee ballot shall be valid only for the election specified in
 41 the application.

42 (4) The county clerk shall list on the special absentee ballot the offices and measures scheduled
 43 to appear on the regular ballot, if known when the ballot is prepared, and provide space in which
 44 the elector may write in the elector's preference.

45 (5) The elector may write in the name of any eligible candidate for each office to be filled or for

1 which nominations will be made at the election, and may vote on any measure submitted at the
2 election.

3 **SECTION 35.** ORS 254.076 is amended to read:

4 254.076. The chief elections officer shall keep a register of candidates for nomination at the
5 primary election. The register, if applicable, shall contain *[for each major political party]*:

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

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

9 (3) The name of the *[major]* political party, **if any**, with which the candidate is registered as
10 affiliated.

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

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

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

15 (7) Such other information as may aid the chief elections officer in arranging the official ballot
16 or ballot label for the primary election.

17 **SECTION 36.** ORS 254.115 is amended to read:

18 254.115. (1) **In a year when a President and Vice President of the United States are to be**
19 **elected**, the official primary election ballot or ballot label shall be styled "Official Primary Nomi-
20 nating Ballot for the _____ Party." and shall state:

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

22 (b) The date of the primary election.

23 *[(c) The names of all candidates for nomination at the primary election whose nominating petitions*
24 *or declarations of candidacy have been made and filed, and who have not died, withdrawn or become*
25 *disqualified.]*

26 *[(d) The names of candidates for election as precinct committeeperson.]*

27 *[(e)]* (c) The names of candidates for the party nomination for President of the United States
28 who qualified for the ballot under ORS 249.078.

29 (2) If the election is conducted at polling places as provided in this chapter, any ballot to be
30 issued at a polling place shall also state the number or name of the precinct for which it is intended.

31 (3) The primary election ballot may include any city, county or nonpartisan office or the number,
32 ballot title and financial estimates under ORS 250.125 of any measure.

33 (4) The ballot *[shall]* **may** not contain the name of any person other than those referred to in
34 subsections (1) and (3) of this section. The name of each candidate for whom a nominating petition
35 or declaration of candidacy has been filed shall be printed on the ballot in but one place. In the
36 event that two or more candidates for the same nomination or office have the same or similar sur-
37 names, the location of their places of residence shall be printed opposite their names to distinguish
38 one from another.

39 **SECTION 37.** ORS 254.125 is amended to read:

40 254.125. (1) The names of candidates for a nonpartisan office at *[a nominating election held on*
41 *the date of]* the primary election shall be listed without political party designation on a nominating
42 ballot or ballot label under the title, and department or position number if any, of the office.

43 (2) At the primary election or general election:

44 (a) The names of candidates who are opposed for nomination or election to the Supreme Court,
45 Court of Appeals, Oregon Tax Court and circuit court shall be printed on the ballot before the

1 names of candidates for those offices who are unopposed; and

2 (b) The word "incumbent" shall follow the name of each candidate for the Supreme Court, Court
3 of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the Secretary
4 of State under ORS 254.085.

5 **SECTION 38.** ORS 254.195 is amended to read:

6 254.195. (1) Official ballots and ballot labels shall be printed in black ink upon good quality
7 material. **In a year when a President and Vice President of the United States are to be**
8 **elected**, the primary election ballots or ballot labels shall be of different colors for the major poli-
9 tical parties.

10 (2) If the election is conducted at polling places, sample ballots shall be prepared for the infor-
11 mation of the elector. The sample ballot shall contain the offices, candidates, measures and other
12 information on the ballots or ballot labels of the precincts for which the sample ballot is issued.
13 [*The sample ballot need not contain the office of, or candidates for, precinct committeeperson.*] The
14 sample ballots shall be identified as such, and printed on cheaper, colored paper to distinguish them
15 from official ballots. A sample ballot shall not be voted or counted.

16 (3) The governing body of a city, county or district may mail sample ballots to all electors
17 within the city, county or district to assist the electors' preparation for voting.

18 **SECTION 39.** ORS 254.205 is amended to read:

19 254.205. (1) For any election conducted at polling places, the county clerk shall produce a fac-
20 simile, except as to size, of the ballot in a manner described in this section. For any primary election
21 **held in a year when a President and Vice President of the United States are to be elected**, a
22 facsimile of the ballot shall include the ballot of each major political party.

23 (2) The facsimile shall be:

24 (a) Published or inserted in one or more newspapers as described in subsection (3) of this sec-
25 tion; or

26 (b) Distributed to each residential postal mailing address within the electoral district for which
27 the election is being held.

28 (3) If the facsimile is published or inserted in a newspaper:

29 (a) The facsimile shall be published or inserted not later than the fourth day nor earlier than
30 the 15th day before the election.

31 (b) The facsimile shall be published or inserted in at least one issue of one newspaper in each
32 county with a population of less than 10,000, or in each county in which no more than one news-
33 paper is published. The facsimile shall be published or inserted in at least one issue of two news-
34 papers in each county with a population of 10,000 or more in which more than one newspaper is
35 published. The county governing body, at the first regular meeting each year, shall select the
36 newspaper or newspapers of general circulation in the county in which the facsimile shall be pub-
37 lished or inserted and shall notify the county clerk of the selection.

38 (c) The county governing body may require publication or insertion of the facsimile in additional
39 newspapers and shall select the newspapers at the same time as provided in paragraph (b) of this
40 subsection. The county governing body shall notify the county clerk of any additional selections.

41 (d) The facsimile shall not be published in any newspaper unless the newspaper agrees that no
42 paid political advertisement shall be placed on the same page as the facsimile or on the page facing
43 the facsimile. If a newspaper selected under paragraph (b) or (c) of this subsection does not so agree,
44 the county governing body shall select another newspaper in the county with as nearly as possible
45 the same qualifications for the publication of the facsimile.

1 (4) A facsimile distributed to each residential post office mailing address within the electoral
 2 district for which the election is being held shall have postage prepaid and shall be considered to
 3 give notice when mailed. Facsimile ballots mailed under this subsection shall be mailed not sooner
 4 than the 15th day nor later than the 10th day before the election. Proof of mailing shall be by affi-
 5 davit of the county clerk.

6 (5) A facsimile printed in a county voters' pamphlet prepared and distributed in accordance with
 7 ORS chapter 251 shall be considered to satisfy the requirements of this section.

8 (6) As used in this section, "electoral district" means a county, city or district.

9 **SECTION 40.** ORS 254.235 is amended to read:

10 254.235. (1) Not later than five business days before an election in which voting machines or
 11 vote tally systems are used, the county clerk shall:

12 (a) Conduct a preparatory test of the machine and system for logic and accuracy to ensure that
 13 each ballot format, where appropriate, correctly tallies ballots in each electoral contest by precinct;
 14 and

15 (b) Conduct a public certification test for the vote tally system using a selection of precincts,
 16 ballot formats and electoral districts from the preparatory test conducted under this subsection.

17 (2) Prior to the public certification test under subsection (1)(b) of this section:[,]

18 (a) **At a primary election held in a year when a President and Vice President of the**
 19 **United States are to be elected**, the county clerk shall mail to each affiliate of a major or minor
 20 political party within the county that has notified the clerk that notice is desired, a notice of the
 21 time and place where the vote tally system will be publicly tested. One representative of each party
 22 is entitled to be present to ensure that the testing is done properly[.]; **and**

23 (b) **The county clerk shall mail to each nonpartisan candidate listed on the ballot in the**
 24 **county who has notified the clerk that notice is desired, a notice of the time and place where**
 25 **the vote tally system will be publicly tested.** [*In nonpartisan elections*] Each candidate may des-
 26 ignate one representative who [*has the same powers as the political party representatives*] **is entitled**
 27 **to be present to ensure that the testing is done properly.**

28 (3) The party and candidate representatives **described in subsection (2) of this section** shall
 29 certify that they have witnessed the testing. The certificates shall be filed with the county clerk.

30 [(3)] (4) In an election where voting machines are used, the county clerk shall prepare a certif-
 31 icate that the ballot labels have been properly placed in the machine.

32 **SECTION 41.** ORS 254.365 is amended to read:

33 254.365. (1) **At a primary election held in a year when a President and Vice President of**
 34 **the United States are to be elected**, an elector [*shall not be*] **is not** qualified or permitted to vote
 35 at [*any*] **the** primary election for any candidate of a major political party, and it shall be unlawful
 36 for the elector to offer to do so, unless:

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

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

42 (2) Except as provided in ORS 254.470 (4), **at a primary election held in a year when a**
 43 **President and Vice President of the United States are to be elected**, any elector offering to vote
 44 at the primary election shall be given a ballot of the major political party with which the elector
 45 is registered as being affiliated. The elector [*shall*] **may** not be given a ballot of any other political

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

7 (3) Not later than the 90th day before the date of the primary election **held in a year when a**
 8 **President and Vice President of the United States are to be elected**, a major political party
 9 may file with the Secretary of State a certified copy of the current party rule allowing an elector
 10 not affiliated with any political party to vote in the party's primary election. The party *[shall]* **may**
 11 not repeal the rule as filed during the 90 days before the primary election. The rule shall continue
 12 to be effective after the date of the primary election until the party gives written notice to the
 13 Secretary of State that the rule has been repealed. *[A party rule under this subsection may limit the*
 14 *candidates for whom an elector who is not affiliated with any political party may vote. The party rule*
 15 *shall, however, allow any elector who is permitted to vote for the most numerous branch of the Legis-*
 16 *lative Assembly to also vote in federal legislative elections, consistent with section 2, Article I, and the*
 17 *Seventeenth Amendment to the United States Constitution.]*

18 (4) *[If the primary election ballot includes city, county or nonpartisan offices or measures, and it*
 19 *is given to]* **At a primary election held in a year when a President and Vice President of the**
 20 **United States are to be elected**, an elector who is not eligible to vote for party candidates[,] **shall**
 21 **be given a ballot that is limited to the nonpartisan offices or measures for which the elector**
 22 **is eligible to vote.** The ballot shall be marked "limited."

23 **SECTION 42.** 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 **held in a year when a President and Vice President of the**
 28 **United States are to be elected**[,]:

29 (a) A record of the number of electors who voted from each major political party; **and**

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

33 [(4)] (3) A record of all electors registered as not being affiliated with any political party who
 34 vote in the general election.

35 **SECTION 43.** ORS 254.470 is amended to read:

36 254.470. (1) An election by mail shall be conducted as provided in this section. The Secretary
 37 of State may adopt rules governing the procedures for conducting an election by mail.

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

45 (3)(a) Except as provided in paragraphs (b), (c) and (d) of this subsection, the county clerk shall

1 mail by nonforwardable mail an official ballot with a return identification envelope and a secrecy
 2 envelope not sooner than the 18th day before the date of an election conducted by mail and not later
 3 than the 14th day before the date of the election, to each active elector of the electoral district as
 4 of the 21st day before the date of the election.

5 (b) Notwithstanding paragraph (a) of this subsection, if the county clerk determines that an ac-
 6 tive elector of the electoral district as of the 21st day before the date of the election does not re-
 7 ceive daily mail service from the United States Postal Service, the county clerk shall mail by
 8 nonforwardable mail an official ballot with a return identification envelope and a secrecy envelope
 9 to the elector not sooner than the 20th day before the date of an election conducted by mail and
 10 not later than the 18th day before the date of the election.

11 (c) Notwithstanding paragraph (a) of this subsection, the Secretary of State by rule shall specify
 12 the date on which all ballots shall be mailed for any state election conducted by mail under ORS
 13 254.465 (2).

14 (d) Notwithstanding paragraph (a) of this subsection, in the case of ballots to be mailed to ad-
 15 dresses outside this state to electors who are not long-term absent electors, the county clerk may
 16 mail the ballots not sooner than the 29th day before the date of the election.

17 (4) For *[an election held on the date of]* a primary election **held in a year when a President**
 18 **and Vice President of the United States are to be elected:**

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

22 (b) An elector not affiliated with any political party shall be mailed the ballot of a major poli-
 23 tical party in whose primary election the elector wishes to vote if the elector has applied for the
 24 ballot as provided in this subsection and that party has provided under ORS 254.365 for a primary
 25 election that admits electors not affiliated with any political party.

26 (c) An elector not affiliated with any political party who wishes to vote in the primary election
 27 of a major political party shall apply to the county clerk in writing. Except for electors described
 28 in subsection (5) of this section, and subject to ORS 247.203, the application must be received by the
 29 county clerk not later than 5 p.m. of the 21st day before the date of the election.

30 (d) If the primary election ballot includes *[city, county or]* nonpartisan offices or measures, an
 31 elector **who is** not eligible to vote for party candidates shall be mailed a ballot **that is** limited to
 32 those offices and measures for which the elector is eligible to vote.

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

38 (6) The ballot or ballot label shall contain the following warning:
 39 _____
 40

41 Any person who, by use of force or other means, unduly influences an elector to vote in any
 42 particular manner or to refrain from voting, is subject, upon conviction, to imprisonment or to a
 43 fine, or both.
 44 _____
 45

1 (7) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign
2 the return identification envelope supplied with the ballot and comply with the instructions provided
3 with the ballot. The elector may return the marked ballot to the county clerk by United States mail
4 or by depositing the ballot at the office of the county clerk, at any place of deposit designated by
5 the county clerk or at any location described in ORS 254.472 or 254.474. The ballot must be returned
6 in the return identification envelope. If the elector returns the ballot by mail, the elector must
7 provide the postage. A ballot must be received at the office of the county clerk, the designated place
8 of deposit or at any location described in ORS 254.472 or 254.474 not later than the end of the period
9 determined under subsection (2) of this section on the date of the election.

10 (8) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not
11 received by the elector. Replacement ballots shall be issued and processed as described in this
12 section and ORS 254.480. The county clerk shall keep a record of each replacement ballot provided
13 under this subsection. Notwithstanding any deadline for mailing ballots in subsection (3) or (4) of
14 this section, a replacement ballot may be mailed, made available in the office of the county clerk
15 or made available at one central location in the electoral district in which the election is conducted.
16 The county clerk shall designate the central location. A replacement ballot need not be mailed after
17 the fifth day before the date of the election.

18 (9) A ballot shall be counted only if:

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

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

21 (c) The signature is verified as provided in subsection (10) of this section.

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

27 (11) At 8 p.m. on election day, electors who are at the county clerk's office, a site designated
28 under subsection (2) of this section or any location described in ORS 254.472 or 254.474 and who are
29 in line waiting to vote or deposit a voted ballot shall be considered to have begun the act of voting.

30 **SECTION 44.** ORS 254.545 is amended to read:

31 254.545. The county clerk:

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

34 (2) On completion of the abstracts, shall record a complete summary of votes cast in the county
35 for each office, candidate for office and measure. The county clerk shall sign and certify this record.
36 After the primary election, the county clerk, for each office for which the clerk is filing officer, shall
37 enter in a register of nominations the name [*and, if applicable, major political party*] of each candi-
38 date nominated, the office for which the candidate is nominated, and the date of entry.

39 (3) Not later than the 20th day after the election, shall deliver a copy of the abstracts for other
40 than county offices to the appropriate elections officials. The abstract for election of Governor shall
41 be delivered separately to the Secretary of State as provided in section 4, Article V, Oregon Con-
42 stitution.

43 (4) Not later than the 30th day after the election, shall proclaim which county measure is par-
44 amount, if two or more approved county measures contain conflicting provisions.

45 (5) Shall prepare and deliver a certificate of nomination or election to each candidate having

1 the most votes for nomination for or election to county or precinct offices.

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

5 **SECTION 45.** ORS 254.565 is amended to read:

6 254.565. The chief city elections officer:

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

8 (a) The name of each candidate for city office nominated at the primary election[.];

9 (b) The office for which the candidate is nominated[.]; **and**

10 [(c) *If applicable, the name of the major political party nominating the candidate.*]

11 [(d)] (c) The date of the entry.

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

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

17 **SECTION 46.** ORS 254.575 is amended to read:

18 254.575. When two or more candidates for the same office, after a full recount of votes, have an
 19 equal and the highest number of votes:

20 (1) For election to state Senator or **state** Representative[, *a party office,*] or a public office for
 21 which the elections officer is other than the Secretary of State, the elections officer shall have the
 22 candidates meet publicly to decide by lot who is elected.

23 (2) For election to a public office other than Governor or [*those*] **public offices** referred to in
 24 subsection (1) of this section, the Secretary of State by proclamation shall order a new election to
 25 fill the office.

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

28 (4) For nomination **to an office** by one major political party [*to an office*] **at a primary election**
 29 **held in a year when a President and Vice President of the United States are to be elected,**
 30 the [*elections officer who receives filings for nomination to the office*] **Secretary of State** shall have
 31 the candidates meet publicly to decide by lot who is nominated.

32 **SECTION 47.** ORS 260.005, as amended by section 9, chapter 542, Oregon Laws 2003, is
 33 amended to read:

34 260.005. As used in this chapter:

35 [(1)(a)] (1) “Candidate” means:

36 [(A)] (a) An individual whose name is printed on a ballot, for whom a declaration of candidacy,
 37 nominating petition or certificate of nomination to public office has been filed or whose name is
 38 expected to be or has been presented, with the individual’s consent, for nomination or election to
 39 public office;

40 [(B)] (b) An individual who has solicited or received and accepted a contribution, made an ex-
 41 penditure, or given consent to an individual, organization, political party or political committee to
 42 solicit or receive and accept a contribution or make an expenditure on the individual’s behalf to
 43 secure nomination or election to any public office at any time, whether or not the office for which
 44 the individual will seek nomination or election is known when the solicitation is made, the contri-
 45 bution is received and retained or the expenditure is made, and whether or not the name of the in-

1 individual is printed on a ballot; or

2 [(C)] (c) A public office holder against whom a recall petition has been completed and filed.

3 [(b) For purposes of this section and ORS 260.035 to 260.156, “candidate” does not include a can-
4 didate for the office of precinct committeeperson.]

5 (2) “Committee director” means any person who directly and substantially participates in
6 decision-making on behalf of a political committee concerning the solicitation or expenditure of
7 funds and the support of or opposition to candidates or measures. The officers of a political party
8 shall be considered the directors of any political party committee of that party, unless otherwise
9 provided in the party’s bylaws.

10 (3)(a) Except as provided in ORS 260.007, “contribute” or “contribution” includes:

11 (A) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compen-
12 sation or consideration, of money, services other than personal services for which no compensation
13 is asked or given, supplies, equipment or any other thing of value:

14 (i) For the purpose of influencing an election for public office or an election on a measure, or
15 of reducing the debt of a candidate for nomination or election to public office or the debt of a pol-
16 itical committee; or

17 (ii) To or on behalf of a candidate, political committee or measure; and

18 (B) Any unfulfilled pledge, subscription, agreement or promise, whether or not legally enforcea-
19 ble, to make a contribution.

20 (b) Regarding a contribution made for compensation or consideration of less than equivalent
21 value, only the excess value of it shall be considered a contribution.

22 (4) “County clerk” means the county clerk or the county official in charge of elections.

23 (5) “Elector” means an individual qualified to vote under section 2, Article II of the Oregon
24 Constitution.

25 (6) Except as provided in ORS 260.007, “expend” or “expenditure” includes the payment or fur-
26 nishing of money or anything of value or the incurring or repayment of indebtedness or obligation
27 by or on behalf of a candidate, political committee or person in consideration for any services,
28 supplies, equipment or other thing of value performed or furnished for any reason, including support
29 of or opposition to a candidate, political committee or measure, or for reducing the debt of a can-
30 didate for nomination or election to public office. “Expenditure” also includes contributions made
31 by a candidate or political committee to or on behalf of any other candidate or political committee.

32 (7) “Filing officer” means:

33 (a) The Secretary of State, regarding a candidate for any state office or any office to be voted
34 for in the state at large or in a congressional district or regarding a measure to be voted on in the
35 state at large.

36 (b) The county clerk, regarding a candidate for any county office or any district or precinct of-
37 fice within the county, or regarding a measure to be voted for in one county or in a district situated
38 wholly within one county.

39 (c) The chief city elections officer, regarding a candidate for any city office, or a measure to
40 be voted for in a city only.

41 (d) The county clerk of the county in which the office of the chief administrative officer or ad-
42 ministrative board is located regarding a candidate for office for any district or regarding a measure
43 to be voted on in a district, when the district is situated in more than one county.

44 (e) In the case of an irrigation district formed under ORS chapter 545:

45 (A) The county clerk, regarding any candidate for office or any measure at an irrigation district

1 formation election where the proposed district is situated wholly in one county;

2 (B) The county clerk of the county in which the office of the secretary of the proposed irrigation
 3 district will be located, regarding any candidate for office or any measure at an irrigation district
 4 formation election where the proposed district is situated in more than one county; or

5 (C) The secretary of the irrigation district for any election other than an irrigation district
 6 formation election.

7 (8) "Independent expenditure" means an expenditure by a person for a communication expressly
 8 advocating the election or defeat of a clearly identified candidate that is not made with the coop-
 9 eration or with the prior consent of, or in consultation with, or at the request or suggestion of, a
 10 candidate or any agent or authorized committee of the candidate. As used in this subsection:

11 (a) "Agent" means any person who has:

12 (A) Actual oral or written authority, either express or implied, to make or to authorize the
 13 making of expenditures on behalf of a candidate; or

14 (B) Been placed in a position within the campaign organization where it would reasonably ap-
 15 pear that in the ordinary course of campaign-related activities the person may authorize expen-
 16 ditures.

17 (b) "Clearly identified" means:

18 (A) The name of the candidate involved appears;

19 (B) A photograph or drawing of the candidate appears; or

20 (C) The identity of the candidate is apparent by unambiguous reference.

21 (c) "Expressly advocating" means any communication containing a message advocating election
 22 or defeat, including but not limited to the name of the candidate, or expressions such as "vote
 23 for," "elect," "support," "cast your ballot for," "vote against," "defeat" or "reject."

24 (d) "Made with the cooperation or with the prior consent of, or in consultation with, or at the
 25 request or suggestion of, a candidate or any agent or authorized committee of the candidate":

26 (A) Means any arrangement, coordination or direction by the candidate or the candidate's agent
 27 prior to the publication, distribution, display or broadcast of the communication. An expenditure
 28 shall be presumed to be so made when it is:

29 (i) Based on information about the candidate's plans, projects or needs provided to the expending
 30 person by the candidate or by the candidate's agent, with a view toward having an expenditure
 31 made; or

32 (ii) Made by or through any person who is or has been authorized to raise or expend funds, who
 33 is or has been an officer of a political committee authorized by the candidate or who is or has been
 34 receiving any form of compensation or reimbursement from the candidate, the candidate's principal
 35 campaign committee or agent; and

36 (B) Does not include providing to the expending person upon request a copy of this chapter or
 37 any rules adopted by the Secretary of State relating to independent expenditures.

38 (9) "Initiative petition" means a petition to initiate a measure for which a prospective petition
 39 has been filed but that is not yet a measure.

40 (10) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon
 41 Tax Court.

42 (11) "Mass mailing" means more than 200 substantially similar pieces of mail, but does not in-
 43 clude a form letter or other mail that is sent in response to an unsolicited request, letter or other
 44 inquiry.

45 (12) "Measure" includes any of the following submitted to the people for their approval or re-

1 jection at an election:

2 (a) A proposed law.

3 (b) An Act or part of an Act of the Legislative Assembly.

4 (c) A revision of or amendment to the Oregon Constitution.

5 (d) Local, special or municipal legislation.

6 (e) A proposition or question.

7 (13) "Occupation" means the nature of an individual's principal business or, if the individual is
8 employed by another person, the nature of the individual's principal business or the business name
9 and address of the employer.

10 (14) "Person" means an individual, corporation, limited liability company, labor organization,
11 association, firm, partnership, joint stock company, club, organization or other combination of indi-
12 viduals having collective capacity.

13 (15)(a) "Political committee" means a combination of two or more individuals, or a person other
14 than an individual, that has:

15 (A) Received a contribution for the purpose of supporting or opposing a candidate, measure or
16 political party; or

17 (B) Made an expenditure for the purpose of supporting or opposing a candidate, measure or
18 political party.

19 (b) For purposes of paragraph (a)(B) of this subsection, an expenditure does not include:

20 (A) A contribution to a candidate or political committee that is required to report the contri-
21 bution on a statement filed under ORS 260.058, 260.063, 260.068, 260.073, 260.076 or 260.102 or sec-
22 tion 6, chapter 542, Oregon Laws 2003, or a certificate filed under ORS 260.112; or

23 (B) An independent expenditure for which a statement is required to be filed by a person under
24 ORS 260.044 (1).

25 (16) "Public office" means any national, state, county, district, city office or position[, *except a*
26 *political party office,*] that is filled by the electors.

27 (17) "Recall petition" means a petition to recall a public officer for which a prospective petition
28 has been filed but that is not yet a measure.

29 (18) "Referendum petition" means a petition to refer a measure for which a prospective petition
30 has been filed but that is not yet a measure.

31 (19) "Slate mailer" means a mass mailing that supports or opposes a total of three or more
32 candidates or measures.

33 (20)(a) "Slate mailer organization" means, except as provided in paragraph (b) of this subsection,
34 any person who directly or indirectly:

35 (A) Is involved in the production of one or more slate mailers and exercises control over the
36 selection of the candidates and measures to be supported or opposed in the slate mailers; and

37 (B) Receives or is promised payment for producing one or more slate mailers or for endorsing
38 or opposing, or refraining from endorsing or opposing, a candidate or measure in one or more slate
39 mailers.

40 (b) Notwithstanding paragraph (a) of this subsection, "slate mailer organization" does not in-
41 clude:

42 (A) A political committee organized by a political party; or

43 (B) A political committee organized by the caucus of either the Senate or the House of Repre-
44 sentatives of the Legislative Assembly.

45 (21) "State office" means the office of Governor, Secretary of State, State Treasurer, Attorney

1 General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction,
2 state Senator, state Representative, judge or district attorney.

3 **SECTION 48.** ORS 171.051 is amended to read:

4 171.051. (1) When any vacancy occurs in the Legislative Assembly due to death or recall or by
5 reason of resignation filed in writing with the Secretary of State or a person is declared disqualified
6 by the house to which the person was elected, the vacancy shall be filled by appointment if:

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

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

10 (c) The vacancy occurs in the office of a state Senator before the 61st day before the first gen-
11 eral election to be held during that term of office;

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

15 (e) A special session of the Legislative Assembly will be convened before a successor to the of-
16 fice can be elected and qualified.

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

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

32 (4) Notwithstanding any appointment under the provisions of subsection (1)(c) of this section,
33 when a vacancy occurs in the office of a state Senator before the 61st day before the first general
34 election to be held during that term of office, the remaining two years of the term of office shall
35 be filled by the electors of the affected legislative district at the first general election.

36 (5) Candidates for the remaining two years of the term of office of a state Senator under sub-
37 section (4) of this section shall be nominated as provided in ORS chapter 249, [*except as follows:*]

38 [(a) A major political party, minor political party, assembly of electors or individual electors may
39 select a nominee for any vacancy occurring before the 61st day before the first general election; and]

40 [(b) The Secretary of State shall accept certificates of nomination and notifications of nominees se-
41 lected by party rule and filed with the secretary] **except that the Secretary of State shall accept**
42 **nominating petitions or declarations of candidacy** pursuant to a schedule for filing set by the
43 Secretary of State but in any case not later than the 62nd day before the first general election.

44 (6) The remaining two years of the term of office of a state Senator under subsection (4) of this
45 section will commence on the second Monday in January following the general election. Any ap-

1 pointment under the provisions of subsection (1)(c) of this section shall expire when a successor to
 2 the office is elected and qualified.

3 **SECTION 49.** ORS 171.060 is amended to read:

4 171.060. *[(1) When any vacancy as is mentioned in ORS 171.051 exists in the office of Senator or*
 5 *Representative affiliated with a major political party and that vacancy is to be filled by an appointing*
 6 *authority as provided in ORS 171.051, the Secretary of State forthwith shall notify the person desig-*
 7 *ated by the party to receive such notice. The party shall pursuant to party rule nominate not fewer*
 8 *than three nor more than five qualified persons to fill the vacancy. The nominating procedure shall*
 9 *reflect the principle of one-person, one-vote to accord voting weight in proportion to the number of party*
 10 *members represented. At the request of a party making a nomination, the county clerks of each county*
 11 *constituting the district in which the vacancy exists shall assist the party in determining the number*
 12 *of electors registered as members of the party in the district. A person shall not be nominated to fill*
 13 *the vacancy unless the person signs a written statement indicating that the person is willing to serve*
 14 *in the office of Senator or Representative. As soon as the nominees have been appointed, but no later*
 15 *than 20 days after the vacancy occurs, the party shall notify the Secretary of State of the persons*
 16 *nominated. The notification shall be accompanied by the signed written statement of each nominee in-*
 17 *dicating that the nominee is willing to serve in the office of Senator or Representative. The Secretary*
 18 *of State shall notify the county courts or boards of county commissioners of the counties constituting*
 19 *the district in which the vacancy exists of the nominees and of the number of votes apportioned to each*
 20 *member of the county courts or boards of county commissioners under ORS 171.062 and 171.064. The*
 21 *Secretary of State shall set a time for the meeting of the county courts or boards of county commis-*
 22 *sioners in order to fill the vacancy and by rule shall establish procedures for the conduct of the meet-*
 23 *ing. If the district is composed of more than one county, the Secretary of State shall name a temporary*
 24 *chairperson and designate a meeting place within the district where the county courts or boards of*
 25 *county commissioners shall convene for the purpose of filling the vacancy, pursuant to ORS 171.051*
 26 *(2).]*

27 *[(2)]* (1) When any vacancy *[as is mentioned]* **described** in ORS 171.051 exists in the office of
 28 **state** Senator or **state** Representative *[not affiliated with a major political party]* and that vacancy
 29 is to be filled by an appointing authority as provided in ORS 171.051, the Secretary of State forth-
 30 with shall notify the county courts or boards of county commissioners of the counties constituting
 31 the district in which the vacancy occurs of the vacancy and of the number of votes apportioned to
 32 each member of the county courts or boards of county commissioners under ORS 171.062 and
 33 171.064. The Secretary of State shall set a time for a meeting of the county courts or boards of
 34 county commissioners and by rule shall establish procedures for the conduct of the meeting. If the
 35 district is composed of more than one county, the Secretary of State shall name a temporary chair-
 36 person and designate a meeting place within the district where the county courts or boards of
 37 county commissioners shall convene for the purpose of appointing a person to fill the vacancy.

38 *[(3)]* (2) A written statement signed by a majority of those qualified to vote upon the filling of
 39 any vacancy naming the person selected to fill the vacancy and directed to the Secretary of State
 40 is conclusive evidence of the filling of the vacancy by the appointing authority named therein.

41 **SECTION 50.** ORS 171.068 is amended to read:

42 171.068. (1) For purposes of ORS 171.060, 171.062 and 171.064, the county court or the board of
 43 county commissioners *[which shall]* **that must** fill the vacancy in the Legislative Assembly in a
 44 district created by reapportionment shall be the county court or board of county commissioners of
 45 each county any part of which is in the district that is created by the reapportionment and includes

1 the residence from which the former **state** Senator or **state** Representative was elected.

2 [(2) *Each person nominated by a major political party to fill a vacancy in the Legislative Assembly*
3 *occurring as described by ORS 171.051 in a district created by reapportionment must be registered to*
4 *vote in the district from which the former Senator or Representative was elected and must have been*
5 *a member of the same major political party at least 180 days before the date the vacancy to be filled*
6 *occurred.*]

7 [(3)] (2) This section [*shall apply*] **applies** only to a vacancy in the Legislative Assembly occur-
8 ring after the primary election next following reapportionment and before a person has been elected
9 and qualified to fill the vacancy.

10 **SECTION 51.** ORS 137.658 is amended to read:

11 137.658. (1) The chairperson of the Oregon Criminal Justice Commission may create any com-
12 mittees within the commission as the chairperson may think necessary. Persons who are not com-
13 mission members may be appointed as members to serve on the committees with the approval of the
14 commission.

15 (2) The chairperson shall appoint members of committees created under this section in such a
16 manner as to ensure representation from all segments of the criminal justice system that are af-
17 fected by the work of the committee. In selecting members for committee assignments, the chair-
18 person shall consider, but is not limited to, representatives from the following:

- 19 (a) The Attorney General;
- 20 (b) The Director of the Department of Corrections;
- 21 (c) The chairperson of the State Board of Parole and Post-Prison Supervision;
- 22 (d) The Superintendent of State Police;
- 23 (e) The chief administrative employee of the Psychiatric Security Review Board;
- 24 (f) The Director of Human Services;
- 25 (g) The Director of the Oregon Youth Authority;
- 26 (h) Trial judges;
- 27 (i) Judges of the Oregon Supreme Court or Court of Appeals;
- 28 (j) [*Majority and minority parties of*] The House of Representatives and the Senate;
- 29 (k) District attorneys;
- 30 (L) Criminal defense attorneys;
- 31 (m) County sheriffs;
- 32 (n) County commissioners;
- 33 (o) County community corrections directors;
- 34 (p) Chiefs of police;
- 35 (q) Victims of crime;
- 36 (r) The public at large;
- 37 (s) The director of a nonprofit entity created for the purpose of increasing understanding of the
38 adult and juvenile justice systems and promotion of effective policies for prevention and control of
39 crime; and
- 40 (t) Private contract providers.

41 **SECTION 52.** ORS 244.250 is amended to read:

42 244.250. (1) The Oregon Government Standards and Practices Commission is established, con-
43 sisting of seven members appointed in the following manner to be confirmed by the Senate:

44 (a) Four members appointed by the Governor from among persons recommended, [*one*] **two** each
45 by the leadership of [*the Democratic and Republican parties in*] each house of the Legislative As-

1 sembly. If a person recommended [*by the leadership of the Democratic or Republican party*] **under**
 2 **this paragraph** is not approved by the Governor, another person shall be recommended.

3 (b) Three members appointed by the Governor without leadership recommendation, no more than
 4 two of whom shall be from the same major political party.

5 (2) [No] A person who holds any public office listed in ORS 244.050 (1) except as a member of
 6 the commission [*shall*] **may not** be appointed to the commission. No more than four members shall
 7 be members of the same political party.

8 (3) The term of office is four years. [No] A member [*shall be*] **is not** eligible to be appointed to
 9 more than one full term but may serve out an unexpired term. However, those members first ap-
 10 pointed to the commission serving less than a three-year term are eligible for a second appointment
 11 for a full term. Vacancies shall be filled by the appointing authority for the unexpired term.

12 (4) The commission shall elect a chairperson and vice chairperson for such terms and duties as
 13 the commission may require.

14 (5) A quorum consists of four members but no final decision may be made without an affirmative
 15 vote of the majority of the members appointed to the commission.

16 (6) Members shall be entitled to compensation and expenses as provided in ORS 292.495.

17 (7) The commission may retain or appoint qualified legal counsel who shall be a member of the
 18 Oregon State Bar and who shall be responsible to the commission. The appointment of legal counsel
 19 under this subsection shall be made only when the commission finds it is inappropriate and contrary
 20 to the public interest for the office of the Attorney General to represent concurrently more than
 21 one public official or agency in any matter before the commission because such representation would
 22 create or tend to create a conflict of interest and is not subject to ORS 180.230 or 180.235.

23 (8) The Attorney General shall not represent before the commission any state public official who
 24 is the subject of any complaint or action of the commission at the commission's own instigation.

25 **SECTION 53.** ORS 442.035 is amended to read:

26 442.035. (1) The Oregon Health Policy Commission is established to serve as the policy-making
 27 body responsible for health policy and planning for the state.

28 (2) The members of the commission shall be residents of the State of Oregon and shall be ap-
 29 pointed by the Governor, subject to the following:

30 (a) The commission shall have 10 public members and shall include at least one member from
 31 each congressional district of the state.

32 (b) The membership of the commission shall broadly represent the geographic, social, economic,
 33 occupational, linguistic and racial population of the state and shall include individuals who repre-
 34 sent Oregon's rural and urban medically underserved populations.

35 (c) The commission shall have a majority of members who are not direct providers of health care
 36 and shall include individuals who represent Oregon's rural and urban medically underserved popu-
 37 lations.

38 (d) The commission shall have at least one member who is a physician licensed to practice in
 39 this state. For the purposes of this paragraph, "physician" has the meaning given that term in ORS
 40 677.010.

41 (e) Members shall be appointed to three-year terms.

42 (f) A member may not serve more than two consecutive terms.

43 (3) Voting members of the commission shall serve at the Governor's pleasure.

44 (4) Voting members shall select a chairperson and a vice chairperson from among themselves.

45 (5) The commission shall meet at least quarterly.

1 (6) Members are entitled to compensation and expenses as provided in ORS 292.495.

2 (7) Vacancies of voting members on the commission shall be filled by appointments of the Gov-
3 ernor for the unexpired term.

4 (8) In addition to the members appointed to the commission under subsection (2) of this section:

5 (a) The President of the Senate[, *in consultation with leadership from the minority party,*] shall
6 appoint two members of the Senate to the commission[, *one from the majority party and one from the*
7 *minority party, who*]. **The Senate members of the commission** shall be nonvoting, advisory mem-
8 bers.[: *and*]

9 (b) The Speaker of the House of Representatives[, *in consultation with leadership from the mi-*
10 *nority party,*] shall appoint two members of the House of Representatives to the commission[, *one*
11 *from the majority party and one from the minority party, who*]. **The House members of the com-**
12 **mission** shall be nonvoting, advisory members.

13 **SECTION 54.** ORS 188.120 is amended to read:

14 188.120. (1) If a vacancy in election or office of Representative in Congress or United States
15 Senator occurs before the 61st day before the general election, the Governor shall call a special
16 election to fill that vacancy. If a vacancy in election or office of United States Senator occurs after
17 the 62nd day before the general election but on or before the general election, and if the term of
18 that office is not regularly filled at that election, the Governor shall call a special election to fill
19 the vacancy as soon as practicable after the general election.

20 (2) If a special election to fill the vacancy in election or office of Representative in Congress
21 or United States Senator is called before the 80th day after the vacancy occurs, [*each major political*
22 *party shall select its nominee for the office and certify the name of the nominee to the Secretary of State.*
23 *The Secretary of State shall place the name of the nominee on the ballot*] **the Secretary of State shall**
24 **adopt a nominating process by rule.**

25 (3) If a special election to fill the vacancy in election or office of Representative in Congress
26 or United States Senator is called after the 79th day after the vacancy occurs, a special primary
27 election shall be conducted by the Secretary of State for the purpose of nominating [*a candidate of*
28 *each major political party*] **candidates.** A declaration of candidacy or nominating petition may be
29 filed not later than the 10th day following the issuance of the writ of election.

30 **SECTION 55.** ORS 246.021 is amended to read:

31 246.021. (1) Except as provided in ORS 247.012, an election document and an accompanying
32 payment of fees required to be filed with the Secretary of State, county clerk or other filing officer
33 must be delivered to and actually received at the office of the designated officer not later than 5
34 p.m. of the day the document or fee is due or, if the day due is a Saturday, Sunday or holiday, on
35 the next business day.

36 (2) The exception to subsection (1) of this section is, when at 5 p.m. an individual is physically
37 present in the office of the designated officer and in line waiting to deliver a document, the indi-
38 vidual [*shall be*] **is** considered as having begun the act of delivering the document and shall be
39 permitted to file it.

40 (3) Any election document required to be filed with the filing officer other than ballots, voter
41 registration cards or petitions requiring signatures of electors may also be filed by means of an
42 electronic facsimile transmission machine. If an election document is required to be filed by a
43 specified time, the entire document must be received in the office of the filing officer not later than
44 5 p.m. of the day the document is due or, if the day due is a Saturday, Sunday or holiday, on the
45 next business day.

1 (4) Notwithstanding any provision of subsections (1) to (3) of this section, if a statement is re-
2 quired to be filed in an electronic format under ORS 260.159:

3 (a) The statement must be received in an electronic format at the office of the Secretary of State
4 not later than 5 p.m. of the day the statement is due or, if the day due is a Saturday, Sunday or
5 holiday, on the next business day; and

6 (b) The Secretary of State shall not accept the filing of the statement in any form other than
7 an electronic format.

8 (5) As used in this section, "election document" includes, but is not limited to, a declaration of
9 candidacy for nomination for public **office**, [*or political party office*,] completed nominating petitions,
10 statements and portraits for voters' pamphlets, statements of election campaign contributions and
11 expenditures, and initiative, referendum or recall petitions.

12 **SECTION 56.** ORS 246.310 is amended to read:

13 246.310. (1) Not later than the 30th day before the primary election:

14 (a) The county clerk shall appoint persons to serve on election boards. There shall be at least
15 one election board for each polling place. [*If the poll book of a precinct is divided into two or more*
16 *separate parts as provided in ORS 254.226, the county clerk may appoint an election board for each*
17 *separate part.*]

18 (b) The county clerk may appoint more than one election board for any precinct in which 100
19 or more ballots were cast at the last general election or in which there are more than 200 electors.

20 (2) The election board shall consist of a day board to issue ballots and may include a counting
21 board to count ballots. A day board shall consist of three or more clerks. A counting board shall
22 consist of four or more clerks. No election board clerk shall serve on the day board and the count-
23 ing board at the same time. The county clerk shall designate one clerk of each day board and one
24 clerk of each counting board as chairperson.

25 (3) The county clerk shall appoint the election board clerks for a term of two years. The county
26 clerk may withdraw the appointment of a clerk at any time. Clerks may be reappointed for more
27 than one term.

28 (4) Except as provided in this subsection, an election board clerk shall be an elector of the
29 county, shall be able to read, write and speak English and shall not serve at a polling place in an
30 electoral district in which the election board clerk is a candidate for any office[, *except precinct*
31 *committeeperson*,] to be voted on in that election. The clerks of a day board or a counting board shall
32 not all be members of the same political party. The Secretary of State shall adopt by rule standards
33 under which county clerks may employ persons to serve as election board clerks who are not elec-
34 tors of the county but who are residents of the county and who are at least 16 years of age. A
35 person who is the spouse, child, son or daughter-in-law, parent, mother or father-in-law, sibling,
36 brother or sister-in-law, aunt, uncle, niece, nephew, stepparent or stepchild of a candidate on the
37 ballot at an election shall not serve as election board clerk at a polling place where the candidate
38 may be voted on, unless the candidate is a candidate for precinct committeeperson and is the only
39 such relative who is a candidate on the ballot in the same election. The county clerk shall appoint
40 board clerks who have the necessary capacity and ability to carry out their functions with sufficient
41 skill and dispatch.

42 (5) In the event of a vacancy in the office of board clerk, the county clerk shall appoint a
43 qualified person to fill the vacancy.

44 **SECTION 57.** ORS 246.560 is amended to read:

45 246.560. (1) [*No*] **A** voting machine [*shall*] **may not** be approved by the Secretary of State unless

1 [it] **the voting machine** is constructed so that it:

2 (a) Secures to the elector secrecy of voting.

3 (b) Provides facilities for voting for the candidates of as many political parties or organizations
4 as may make nominations and for or against as many measures as may be submitted.

5 (c) Permits the elector to vote for any person and as many persons for an office and upon any
6 measure for which the elector has the right to vote.

7 (d) Permits the elector, except at a primary election **held in a year when a President and Vice**
8 **President of the United States are to be elected**, to vote for all the candidates of one party or
9 in part for the candidates of one party and in part for the candidates of one or more other parties.

10 (e) Correctly records on a separate ballot the votes cast by each elector for any person and for
11 or against any measure.

12 (f) Provides that a vote for more than one candidate cannot be cast by one single operation of
13 the voting machine or vote tally system except for President and Vice President and electors for
14 those offices.

15 (g) Provides that straight party pointers shall be disconnected from all candidate pointers.

16 (2) A vote tally system shall be:

17 (a) Capable of correctly counting votes on ballots on which the proper number of votes have
18 been marked or punched for any office or measure that has been voted.

19 (b) Capable of ignoring the votes marked or punched for any office or measure where more than
20 the allowable number of votes have been marked or punched, but shall correctly count the properly
21 voted portions of the ballot.

22 (c) Capable of accumulating a count of the specific number of ballots tallied for a precinct, ac-
23 cumulating total votes by candidate for each office, and accumulating total votes for and against
24 each measure of the ballots tallied for a precinct.

25 (d) Capable of tallying votes from ballots of different political parties, from the same precinct,
26 in a primary election **held in a year when a President and Vice President of the United States**
27 **are to be elected**.

28 (e) Capable of accommodating the procedure established under ORS 254.155.

29 (f) Capable of automatically producing precinct totals in either printed, marked, or punched
30 form, or combinations thereof.

31 **SECTION 58.** ORS 260.042 is amended to read:

32 260.042. (1) The treasurer of a political committee shall file a statement of organization with the
33 appropriate filing officer. The statement shall include:

34 (a) The name, address and nature of the committee. The address shall be the address of a resi-
35 dence, office, headquarters or similar location where the political committee or a responsible officer
36 of the political committee may be conveniently located. However, a different address may be used
37 if the officer first files with the filing officer the officer's residence address and the address proposed
38 to be used.

39 (b) The name, address and occupation of the committee director or directors.

40 (c) The name and address of the committee treasurer.

41 (d) The name and address of any other political committee of which two or more committee di-
42 rectors are also directors of the committee filing the statement.

43 (e) A statement of whether the committee presently intends to remain in existence for more than
44 one year.

45 (f) The name, office sought, and party affiliation of each candidate whom the committee is sup-

1 porting or specifically opposing or intends to support or specifically oppose, when known, or, if the
 2 committee is supporting or specifically opposing all the candidates of a given party, the name of that
 3 party.

4 (g) A designation of any measure which the committee is opposing or supporting, or intends to
 5 support or oppose.

6 (h) A statement of how the committee intends to solicit funds.

7 (2) The statement of organization shall be filed not later than the date specified in ORS 260.035.

8 (3) Any change in information submitted in a statement of organization under subsection (1) of
 9 this section shall be indicated in an amended statement of organization filed not later than the 10th
 10 day after the change in information.

11 (4) This section does not apply to a political committee that is a principal campaign committee
 12 or to a political committee exclusively supporting or opposing one or more candidates for federal
 13 [or *political party*] office.

14 **SECTION 59.** ORS 260.055, as amended by section 12, chapter 542, Oregon Laws 2003, is
 15 amended to read:

16 260.055. (1) Each candidate[, *other than a candidate for political party office,*] and the treasurer
 17 of each political committee shall keep detailed accounts. The accounts shall be current as of not
 18 later than the seventh day after the date of receiving a contribution or making an expenditure, of
 19 all contributions received and all expenditures made by or on behalf of the candidate or political
 20 committee that are required to be reported under ORS 260.058, 260.063, 260.068, 260.073, 260.076 or
 21 260.078 or section 6, chapter 542, Oregon Laws 2003. Subject to ORS 260.085, the accounts shall list
 22 all information required to be reported under ORS 260.083.

23 (2) Accounts kept by a candidate or the treasurer of a political committee may be inspected
 24 under reasonable circumstances at any time before the election to which the accounts refer or
 25 during the period specified for retention of the accounts under subsection (3) of this section by any
 26 opposing candidate or the treasurer of any political committee for the same electoral contest. The
 27 right of inspection may be enforced by writ of mandamus issued by any court of competent juris-
 28 diction. The treasurers of political committees supporting a candidate may be joined with the can-
 29 didate as defendants in a mandamus proceeding.

30 (3) Accounts kept by a candidate or treasurer shall be preserved by the candidate or treasurer
 31 for at least two years after the date of the election to which the accounts refer or at least two years
 32 after the date the last supplemental statement is filed under ORS 260.058 (2), 260.063 (2), 260.068 (3)
 33 or 260.073 (3) or section 6 (2), chapter 542, Oregon Laws 2003, whichever is later.

34 **SECTION 60.** ORS 260.407 is amended to read:

35 260.407. (1) Except as provided in subsection (2) of this section, amounts received as contribu-
 36 tions by a candidate or the principal campaign committee of a candidate for public office that are
 37 in excess of any amount necessary to defray campaign expenditures and any other funds donated to
 38 a holder of public office may be:

39 (a) Used to defray any expenses incurred in connection with the recipient's duties as a holder
 40 of public office;

41 (b) Transferred to any national, state or local political committee of any political party;

42 (c) Contributed to any organization described in section 170(c) of Title 26 of the United States
 43 Code or to any charitable corporation defined in ORS 128.620; or

44 (d) Used for any other lawful purpose.

45 (2) Notwithstanding subsection (1) of this section, amounts received as contributions by a can-

1 didate for public office that are in excess of any amount necessary to defray campaign expenditures
 2 and other funds donated to a holder of public office shall not be converted by any person to any
 3 personal use other than to defray any expenses incurred in connection with the person's duties as
 4 a holder of public office or to repay to a candidate any loan the proceeds of which were used in
 5 connection with the candidate's campaign.

6 (3) As used in this section:

7 (a) "Funds donated" means all funds, including but not limited to gifts, loans, advances, credits
 8 or deposits of money that are donated for the purpose of supporting the activities of a holder of
 9 public office. "Funds donated" does not mean funds appropriated by the Legislative Assembly or
 10 another similar public appropriating body or personal funds of the office holder donated to an ac-
 11 count containing only those personal funds.

12 (b) "Public office" does not include national [*or political party*] office.

13 **SECTION 61.** Section 2, chapter 542, Oregon Laws 2003, is amended to read:

14 **Sec. 2.** (1) If the Secretary of State determines that a vacancy exists in the nomination of a
 15 candidate [*of a major political party*] for state office, that the vacancy is due to the death of the
 16 candidate and that the vacancy occurred after the 30th day before the date of the general election:

17 (a) The election for that state office may not be held at the general election;

18 (b) The county clerks may not count ballots cast for candidates for that state office at the
 19 general election; and

20 (c) The Secretary of State shall order a special election as provided in section 3, **chapter 542,**
 21 **Oregon Laws 2003** [*of this 2003 Act*].

22 (2) The candidates listed on the ballot at the special election shall be:

23 (a) The candidates who were listed on the general election ballot, other than the candidate
 24 whose nomination became vacant; and

25 (b) The candidate selected to fill the vacancy in the nomination as provided in ORS [249.190
 26 *or*] 249.205.

27 (3) As used in this section "state office" means the office of Governor, Secretary of State, State
 28 Treasurer, Attorney General, state Senator or state Representative.

29 **SECTION 62.** ORS 248.015, 248.017, 248.023, 248.024, 248.026, 248.027, 248.029, 249.015,
 30 249.023, 249.046, 249.048, 249.068, 249.200 and 254.025 are repealed.

31 **SECTION 63.** (1) The amendments to ORS 137.658, 171.051, 171.060, 171.068, 188.120,
 32 244.250, 246.021, 246.310, 246.560, 248.006, 248.007, 248.008, 248.031, 248.033, 248.035, 248.043,
 33 248.045, 248.315, 249.002, 249.013, 249.020, 249.031, 249.035, 249.037, 249.042, 249.056, 249.064,
 34 249.072, 249.076, 249.088, 249.180, 249.205, 249.722, 249.735, 249.740, 251.022, 251.026, 253.030,
 35 253.055, 253.540, 253.565, 254.005, 254.056, 254.076, 254.115, 254.125, 254.195, 254.205, 254.235,
 36 254.365, 254.370, 254.470, 254.545, 254.565, 254.575, 260.005, 260.042, 260.055, 260.407 and 442.035
 37 and section 2, chapter 542, Oregon Laws 2003 by sections 1 to 55 of this 2005 Act and the
 38 repeal of ORS 248.015, 248.017, 248.023, 248.024, 248.026, 248.027, 248.029, 249.015, 249.023,
 39 249.046, 249.048, 249.068, 249.200 and 254.025 by section 56 of this 2005 Act apply only to nom-
 40 inations for, and appointments and elections to, public office occurring on or after the ef-
 41 fective date of this 2005 Act. A certificate of nomination, nominating petition or declaration
 42 of candidacy filed before the effective date of this 2005 Act for an election to be conducted
 43 on or after the effective date of this 2005 Act shall be considered to have been filed for a
 44 nonpartisan office.

45 (2) The amendments to ORS 248.006, 248.007, 248.008, 248.031, 248.033, 248.035, 248.043,

1 248.045 and 248.315 by sections 5 to 13 of this 2005 Act and the repeal of ORS 248.015, 248.017,
2 248.023, 248.024, 248.026, 248.027, 248.029 by section 56 of this 2005 Act apply to political parties
3 formed prior to, on or after the effective date of this 2005 Act.

4 (3) Nothing in the amendments to ORS 137.658, 171.051, 171.060, 171.068, 244.250, 249.002,
5 249.072, 249.088, 254.005, 254.365 and 442.035 by sections 2, 3, 4, 22, 41 and 48 to 53 of this 2005
6 Act is intended to require a change in the composition of any committee or commission de-
7 scribed in ORS 137.658, 244.250 or 442.035 as amended by sections 51 to 53 of this 2005 Act.

8