LC 1554

Bill

2/1/17 (DRG/ps)

2017 Regular Session

Eliminates primary election for all candidates other than candidates for President and Vice President of United States.

Moves election for nonpartisan office and precinct committeeperson from primary election to general election.

Permits major political parties and minor political parties to nominate one candidate for each partisan political office and to endorse unlimited number of candidates for each partisan office at general election.

Eliminates ability of minor political party to qualify or maintain status as party by using total votes cast for party candidate in previous elections.

Establishes system of score runoff voting for all elections of candidates, in which ballot permits elector to rank each candidate with score ranging from low score of zero to high score of nine.

Establishes Oregon Poll for presidential primary election. Requires ballot containing all major political party primary candidates for President and Vice President to be sent to all electors registered in state, with statewide results published on Secretary of State's website. Permits major political parties to choose winner of party's presidential primary election by counting only votes cast by electors affiliated with political party, by using votes cast by electors affiliated with political party and electors not affiliated with any political party or by using all votes cast.

Refers Act to people for their approval or rejection at next regular general election.

Relating to elections; creating new provisions; amending ORS 3.030, 8.610, 51.230, 171.068, 188.120, 198.747, 199.519, 202.100, 202.180, 203.035, 203.230, 203.710, 204.005, 221.040, 221.050, 221.180, 222.040, 222.250, 244.050, 246.021, 246.179, 246.270, 246.560, 247.176, 247.203, 247.296, 247.410, 247.940, 247.945, 248.006, 248.007, 248.008, 248.009, 248.015, 248.017, 248.023, 248.029, 248.045, 248.075, 249.016, 249.020, 249.031, 249.035, 249.037, 249.042, 249.056, 249.064, 249.076, 249.170, 249.180, 249.200, 249.205, 249.705, 249.712, 249.720, 249.722, 249.810, 249.830, 249.842, 249.850, 250.127, 251.022, 251.026, 251.065, 251.067, 251.069, 251.075, 251.095, 251.165, 251.175, 251.205, 251.215, 251.245, 251.255, 251.285, 251.325, 251.335, 253.540, 253.565, 254.016, 254.046, 254.056, 254.065, 254.085, 254.095, 254.115, 254.125, 254.135, 254.145, 254.365, 254.370, 254.470, 254.474, 254.500, 254.545, 254.546, 254.548, 254.555, 254.565, 254.575, 255.069, 255.235, 258.006, 258.016, 258.026, 258.036, 258.046, 258.055, 258.150, 258.161, 258.211, 258.221, 258.280, 260.044, 260.057, 260.118, 260.163, 260.532, 261.171, 261.355, 261.360, 261.710, 267.208, 268.710, 316.102, 341.085, 358.375, 607.025 and 777.326 and section 3, chapter 600, Oregon Laws 2013, and section 1, chapter 114, Oregon Laws 2016; repealing ORS 249.023, 249.046, 249.048, 249.068, 249.088, 249.091, 254.025 and 254.076; and providing that this Act shall be referred to the people for their approval or rejection.

Relating to elections; and providing that this Act shall be referred to the people for their approval or rejection.

**SECTION 1.** ORS 254.056 is amended to read:

254.056. (1) The general election shall be held on the first Tuesday after the first Monday in November of each even-numbered year. Except as provided in ORS 254.650, at the general election officers of the state and subdivisions of the state, members of Congress and electors of President and Vice President of the United States as are to be elected in that year shall be elected.

[~~(2) The primary election shall be held on the third Tuesday in May of each even-numbered year. At the primary election precinct committeepersons shall be elected and major political party candidates shall be nominated for offices to be filled at the general election held in that year.~~]

**(2) The presidential primary election shall be held on the fourth Tuesday of March of each year in which the President and Vice President are to be elected. At the presidential primary election, electors may vote for candidates for nomination for President of the United States.**

**SECTION 2.** ORS 248.006 is amended to read:

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

(2) The number of electors described in subsection (1) of this section shall be calculated based on the number of electors registered in this state and eligible to vote, as reported on the official abstracts of the election, at the general election immediately preceding the deadline specified in subsection (1) of this section.

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

(4) An affiliation of electors ceases to be a major political party if the registration requirements of subsection (1) of this section are not satisfied by the 275th day before each [~~primary~~] **general** election. The affiliation of electors ceases to be a major political party on the date the Secretary of State determines that the registration requirement is not satisfied.

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

**SECTION 3.** ORS 248.007 is amended to read:

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

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

(3) ORS 248.012 to 248.315 apply only to a major political party that has notified the Secretary of State as provided in subsection (5) of this section that the political party intends to be subject to the provisions of ORS 248.012 to 248.315. References to precinct committeepersons in any provisions of ORS chapters 246 to 260 shall apply to a party described in this subsection. If a major political party fails to notify the Secretary of State under this subsection, the party shall be considered subject to the provisions of ORS 248.012 to 248.315.

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

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

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

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

**SECTION 4.** ORS 248.008 is amended to read:

248.008. (1)**(a)** An affiliation of electors becomes a minor political party in the state, a county or other electoral district, qualified to make nominations for public office in that electoral district and in any other electoral district wholly contained within the electoral district, when the affiliation of electors has [~~acted as described in either paragraph (a) or (b) of this subsection:~~]

[~~(a)(A) When the affiliation of electors has~~] filed with the Secretary of State a petition with the signatures of at least a number of electors equal to one and one-half percent of the total votes cast in the electoral district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term.

[~~(B)~~] **(b)** The petition must contain only original signatures and must be filed not later than two years following the date the prospective petition is filed. The petition must state the intention to form a new political party and designate a name for the political party.

[~~(C)~~] **(c)** Before circulating the petition, the chief sponsor of the petition must file with the Secretary of State a signed copy of the prospective petition. The chief sponsor must include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the petition. After the prospective petition is filed, the chief sponsor must notify the filing officer not later than the 10th day after the chief sponsor first has knowledge or should have had knowledge that:

[~~(i)~~] **(A)** Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no person would be paid for obtaining signatures of electors.

[~~(ii)~~] **(B)** No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more persons would be paid for obtaining signatures of electors.

[~~(D)~~] **(d)** The circulator shall certify on each signature sheet that the circulator witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet and that the circulator believes each individual is an elector registered in the electoral district.

[~~(E)~~] **(e)** The Secretary of State shall verify whether the petition contains the required number of signatures of electors. The Secretary of State may not accept a petition for filing if it contains less than 100 percent of the required number of signatures. The Secretary of State by rule shall designate a statistical sampling technique to verify whether a petition contains the required number of signatures of electors. A petition may not be rejected for the reason that it contains less than the required number of signatures unless two separate sampling processes both establish that the petition lacks the required number of signatures. The second sampling must contain a larger number of signatures than the first sampling. The Secretary of State may employ professional assistance to determine the sampling technique. The statistical sampling technique may be the same as that adopted under ORS 250.105.

[~~(b) When the affiliation of electors has polled for any one of its candidates for any public office in the electoral district at least one percent of the total votes cast in the electoral district for all candidates for:~~]

[~~(A) Presidential elector at the last general election at which candidates for President and Vice President of the United States were listed on the ballot; or~~]

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

(2) After satisfying [~~either~~] subsection (1)[~~(a) or (b)~~] of this section, the minor political party may nominate candidates for election at the next general election.

(3) A filing officer may not accept a certificate of nomination of a candidate nominated by a minor political party for a subsequent general election unless the minor political party has maintained status as a minor political party as described in subsection (4) of this section.

(4) In order to maintain status as a minor political party for a subsequent general election**,**[~~:~~]

[~~(a)~~] following each general election, at any time during the period beginning on the [~~date of the next primary election~~] **third Tuesday in May in an even-numbered year** and ending on the 90th day before the next general election, a number of electors equal to at least one-half of one percent of the total number of registered electors in this state must be registered as members of the party**.**[~~; or~~]

[~~(b)(A) Following each general election, at any time during the period beginning on the date of the next primary election and ending on the 90th day before the next general election, a number of electors equal to at least one-tenth of one percent of the total votes cast in the state or electoral district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term must be registered as members of the party; and~~]

[~~(B) At least once in a four-year period, a candidate or candidates of the party must poll at least one percent of the total votes cast in the electoral district for all candidates for:~~]

[~~(i) Presidential elector at the last general election at which candidates for President and Vice President of the United States were listed on the ballot; or~~]

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

(5) An affiliation of electors that fails to maintain status as a minor political party ceases to be a minor political party on the 90th day before the date of the next general election.

(6) During the period beginning on the **third Tuesday in May of an even-numbered year** [~~date of the primary election~~] and ending on the 90th day before the date of the general election, the Secretary of State shall determine at least once each month whether registration requirements to maintain status as a minor political party have been satisfied.

(7) If a minor political party changes its name, only those electors who register on or after the effective date of the name change as members of the party under the new party name shall be counted as members of the party.

[~~(8) An affiliation of electors or a minor political party may not nominate a candidate who is the nominee of another political party at the same election in order to satisfy the one percent requirement referred to in subsection (1)(b) or (4)(b)(B) of this section.~~]

[~~(9)~~] **(8)** For purposes of this section, <<subsequent general election>> means any general election that is held after the first general election following qualification as a minor political party under subsection (1) of this section.

**SECTION 5.** ORS 248.009 is amended to read:

248.009. (1) [~~A~~] **Each major political party and** minor political party shall file with the filing officer a copy of its organizational documents establishing its process for nominating candidates for public office. The organizational documents shall be filed not later than 30 days after they are adopted. The nominating process for candidates for election at the general election shall provide an equal opportunity to all registered members of the party within the electoral district to participate in the process of making nominations or selecting the delegates who will make the nominations. [~~A~~] **Each major political party and**minor political party shall file copies of any changes to its organizational documents relating to nomination of candidates for public office not later than 30 days after the date any changes were made. [~~The~~] **Each major political party and** minor political party shall nominate candidates for public office only in accordance with the procedures set forth in its organizational documents.

(2) [~~A~~] **Each major political party and** minor political party shall file with the filing officer a list of any officers selected by the party. The list shall be filed not later than 10 days after any selection is made. [~~A~~] **Each major political party and** minor political party shall file copies of any changes to the list of officers not later than 10 days after the date any changes were made.

(3) Not later than the 10th day before any nominating convention of [~~a~~] **each major political party and** minor political party, notice shall be published at least once in not fewer than three newspapers of general circulation within the electoral district for which the nomination will be made. If there are fewer than three newspapers of general circulation within the electoral district, notice shall be published at least once in one newspaper of general circulation within the electoral district for which the nomination will be made and other public notice shall be given that is reasonably calculated to assure that party members in the electoral district receive notice of the convention. The notice shall contain the time and place of the convention, and the office or offices for which nominations will be made.

**SECTION 6.** ORS 248.015 is amended to read:

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

(2) A member of a major political party may become a candidate for precinct committeeperson of the precinct in which the person is registered, or of a precinct within the same county adjoining that precinct, by filing a declaration of candidacy described in ORS 249.031, except as provided in subsection (3) of this section.

(3) ORS 249.031 [~~(1)(i)~~] **(1)(g)** shall not apply to declarations of candidacy for candidates for precinct committeeperson.

(4) A member of the major political party who has been a member of that party for 180 days before the [~~primary~~] **general**election may be elected by write-in votes as precinct committeeperson of the precinct in which the member is registered, or of a precinct within the same county adjoining that precinct.

(5) Unless a qualified person receives at least three votes, no person shall be deemed to have been elected as precinct committeeperson and the office of committeeperson shall be vacant.

(6) The term of office of a precinct committeeperson is from the 24th day after the date of the [~~primary~~] **general** election until the 24th day after the date of the next following [~~primary~~]**general** election.

(7) A precinct committeeperson shall not be considered a public officer.

**SECTION 7.** **Section 8 of this 2017 Act is added to and made a part of ORS 249.712 to 249.850.**

**SECTION 8.** **(1) In addition to nominating one candidate for each partisan public office under ORS 249.705, each major political party and each minor political party may endorse an unlimited number of candidates for each partisan public office. Political party endorsements shall be made by preparing and filing a certificate of endorsement as provided in ORS 249.712 to 249.850.**

**(2) A major political party or a minor political party may nominate and endorse the same individual for the same office.**

**SECTION 9.** ORS 249.705 is amended to read:

249.705. A **major political party,** minor political party, assembly of electors or individual electors may nominate one candidate for each partisan public office to be filled at the general election by preparing and filing a certificate of nomination as provided in ORS 249.712 to 249.850.

**SECTION 10.** ORS 249.712 is amended to read:

249.712. (1) To complete a nomination **or endorsement**, the nominee **or candidate** must accept the nomination **or endorsement**.

(2) The acceptance of the nominee may be indorsed upon the certificate of nomination and signed by the nominee, or [~~it~~] **the certificate** may be indorsed by a letter or telegram from the nominee attached to the certificate and filed with [~~it~~] **the certificate**. If the acceptance does not accompany the certificate of nomination, the nominee, at any time after the certificate is filed and before the time for filing nominations for the office has expired, may file an acceptance in the same manner and in the same office where the certificate is filed. The officer with whom the acceptance is filed shall indorse [~~it~~] **the acceptance** and attach [~~it~~] **the acceptance** to the certificate of nomination to which it refers.

**(3) The acceptance of a political party endorsement by a candidate may be made by the candidate's signing a certificate of endorsement or by the political party's filing a certificate of endorsement with a letter or telegram from the candidate accepting the endorsement. If the acceptance does not accompany the certificate of endorsement, the candidate, at any time after the certificate is filed and before the time for filing endorsements for the office has expired, may file an acceptance in the same manner and in the same office where the certificate is filed. The officer with whom the acceptance is filed shall attach the acceptance to the certificate of endorsement to which it refers.**

**SECTION 11.** ORS 249.720 is amended to read:

249.720. (1) A certificate of nomination **or a certificate of endorsement** shall contain:

(a) The name by which the candidate is commonly known. A candidate may use a nickname in parentheses in connection with the 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 is nominated **or endorsed**.

(d) The name of the **major political party or** minor political party, if any, that nominated **or endorsed** the candidate.

(e) If the candidate is nominated for a partisan office by an assembly of electors or individual electors, the word <<nonaffiliated>> and a statement that the candidate has not been a member of a major **political party** or minor political party during at least 180 days before the deadline for filing the certificate of nomination.

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

(g) The signature of the candidate.

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

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

[~~(2)~~] **(3)** For **minor political parties submitting** certificates of nomination of candidates for electors of President and Vice President of the United States, the names of the candidates for President and Vice President the candidates represent may be added to the name of the minor political party or the word <<nonaffiliated,>> as the case may be. The names of all the candidates of a minor political party, or nonaffiliated candidates, for electors of President and Vice President may be upon the same certificate of nomination.

[~~(3)~~] **(4)** A certificate of nomination made by an assembly of electors shall be signed by the presiding officer and secretary of the nominating convention of the assembly. A certificate of nomination **or a certificate of endorsement** made by a **major political party or a** minor political party shall be signed by an officer of the party. An affidavit shall be made on the certificate by the presiding officer and secretary of the nominating convention of the assembly or by the officer of the **major political party or** minor political party and signed and acknowledged by them before a notary public. The affidavit shall be that the statements in the certificate of nomination **or certificate of endorsement** and related documents are true. With respect to an assembly of electors, the affidavit shall state that the assembly satisfied the requirements of ORS 249.735.

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

**SECTION 12.** ORS 249.722 is amended to read:

249.722. (1) Except as provided in subsection (3) of this section, a certificate of nomination **or a certificate of endorsement** of a candidate for public office shall be filed not sooner than [~~the 15th day after the date of the primary election~~]**a date established by rule by the Secretary of State** and not later than the 70th day before the date of the general election.

(2) A certificate of nomination **or a certificate of endorsement** of a candidate for:

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

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

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

(3) For a special election, including an election to fill a vacancy that occurs after the 70th day before the general election, the Secretary of State by rule may adopt a schedule specifying the period within which a certificate of nomination **and a certificate of endorsement** must be filed. If the Secretary of State does not adopt a rule under this subsection, a certificate of nomination **or a certificate of endorsement** must be filed before the 61st day preceding the election.

**SECTION 13.** ORS 249.810 is amended to read:

249.810. (1) Immediately after each certificate of nomination**or certificate of endorsement** is filed, the filing officer shall enter in the register of nominations:

(a) The date the certificate was filed.

(b) The name of each candidate.

(c) The office for which the candidate is nominated **or endorsed**.

(d) When applicable, the name of the **major political party,**minor political party or identification of the assembly of electors making the nomination **or endorsement**, and the names of the chairperson and secretary certifying it.

(e) If the certificate of nomination is made by individual electors, the total number of certified signatures contained in the certificate.

(2) As soon as an acceptance or withdrawal of a candidate is filed with a filing officer, it shall be entered in the register of nominations **or the register of endorsements**.

**SECTION 14.** **Sections 15 and 16 of this 2017 Act are added to and made a part of ORS chapter 254.**

**SECTION 15.** **(1) Except as provided in section 16 of this 2017 Act, the votes cast at a presidential primary election or at a general election shall be tallied as provided in this section.**

**(2) For each ballot cast, the vote tally system or counting board shall identify for each candidate on the ballot:**

**(a) Whether the elector selected a score for the candidate; and**

**(b) If the elector selected a score for the candidate, the zero to nine score that the elector selected.**

**(3)(a) The vote tally system or counting board shall add the total scores given to each candidate by each elector. In performing this calculation, the vote tally system or counting board shall give a candidate a score of zero if the elector did not select a score for the candidate.**

**(b) For each office for which a candidate appears on the ballot, the two candidates who receive the highest total score, as calculated under paragraph (a) of this subsection, shall advance to a second round of vote tallying in the manner described in subsection (4) of this section.**

**(4) Each ballot cast shall be tallied to determine, for each office, which of the two candidates identified in subsection (3)(b) of this section receives the vote of each elector that cast a ballot in the election. For the purpose of vote tallying under this subsection:**

**(a) The candidate who received the higher score from an elector, as calculated under subsection (2) of this section, shall receive the vote from that elector.**

**(b) If the two candidates received the same score from an elector, neither candidate may receive the vote of that elector.**

**(c) The individual who receives the most votes, as calculated under this subsection, is nominated or elected to the public office.**

**(5) The Secretary of State may make rules to implement this section.**

**SECTION 16.** **(1) When tallying the ballots cast in a presidential primary election, the vote tally system or counting board shall use the scoring method set forth in section 15 of this 2017 Act to:**

**(a) Determine the nominee for each major political party by:**

**(A) Using the ballots cast only by members of the major political party, if the major political party did not file a rule with the Secretary of State under ORS 254.365 permitting electors not affiliated with the party to vote in the party's presidential primary election;**

**(B) Using the ballots cast only by members of the major political party and by electors not affiliated with any political party, if the major political party filed a rule to this effect with the Secretary of State under ORS 254.365; or**

**(C) Using the ballots cast by all electors in this state, if the major political party filed a rule to this effect with the Secretary of State under ORS 254.365.**

**(b) Use the ballots cast by all electors in this state to determine the respective scores for each candidate who appears on the presidential primary ballot.**

**(2) The Secretary of State shall make the results of the determination made under subsection (1)(b) of this section available on its Internet website under a heading titled <<Oregon Poll.>> The results displayed on the website must show:**

**(a) The total score of each candidate who appeared on the presidential primary ballot, as calculated under section 15 of this 2017 Act; and**

**(b) In a separate space, how the score of each candidate who appeared on the presidential primary ballot compares with the score of each other candidate who appeared on the ballot.**

**(3) The Secretary of State may make rules to implement this section.**

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

254.115. (1) The official **presidential** primary election ballot shall be styled <<Official **Presidential** Primary Nominating Ballot [~~for the :HR3. Party.~~]>> and shall state:

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

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

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

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

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

(2) The **presidential** primary election ballot may include [~~any city, county or nonpartisan office or~~] the number, ballot title and financial estimates under ORS 250.125 of any measure.

(3) The ballot may not contain the name of any person other than those referred to in [~~subsections~~] **subsection** (1) [~~and (2)~~] of this section. The name of each candidate for whom a nominating petition or declaration of candidacy has been filed shall be printed on the ballot in but one place. In the event that two or more candidates for the same nomination [~~or office~~] have the same or similar surnames, the location of their places of residence shall be printed with their names to distinguish one from another.

**SECTION 18.** ORS 254.135 is amended to read:

254.135. (1) The official general or special election ballot shall be styled <<Official Ballot>> and shall state:

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

(b) The date of the election.

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

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

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

(3)(a) The name of each candidate nominated shall be printed on the ballot in but one place, without regard to how many times the candidate may have been nominated **or endorsed**. The name of a political party, or names of political parties, shall be printed with the name of a candidate for other than nonpartisan office according to the following rules:

[~~(A) For a candidate not affiliated with a political party who is nominated by a minor political party, the name of the minor political party shall be printed with the name of the candidate;~~]

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

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

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

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

[~~(F) For a candidate who is nominated by a political party of which the candidate is a member and by any political party or parties of which the candidate is not a member, the name of the political party of which the candidate is a member and the names of not more than two other political parties selected by the candidate shall be printed with the name of the candidate.~~]

**(A)(i) If the candidate is registered as affiliated with a political party on the 180th day before the date of the election, following the name of the candidate the statement <<Registration:\_\_\_\_\_\_\_\_>> (name of political party); or**

**(ii) If the candidate is not registered as affiliated with a political party on the 180th day before the date of the election, following the name of the candidate the statement <<Registration: not a member of a party>> or, if the candidate chooses, no statement of the candidate's party registration status.**

**(B) The statement: <<A candidate's political party registration shown on this ballot indicates the candidate's party registration status as of 180 days prior to the election. It does not imply the endorsement of the political party identified.>>**

**(C) For each candidate, following the name of the candidate the name of:**

**(i) Any political party that has nominated the candidate under ORS 249.712 to 249.850, preceded by the phrase <<Nominated by:>>; and**

**(ii) Any political party that has endorsed the candidate under ORS 249.712 to 249.850, preceded by the phrase <<Endorsed by:>>.**

**(D) The county clerk shall print only those nominations and endorsements that have been received and accepted by the candidate and for which the chief elections officer has received notice not later than the 61st day before the date of the election.**

(b) If a candidate is required to [~~select the name~~] **accept the nomination or endorsement** of a political party to be printed on the ballot under paragraph (a)**(C) and (D)** of this subsection, the candidate shall notify the filing officer of the selection not later than the 61st day before the day of the election.

(c) The word <<incumbent>> shall be printed with the name of each candidate for the Supreme Court, Court of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the Secretary of State under ORS 254.085.

(d) The word <<nonaffiliated>> shall be printed with the name of each candidate who is not affiliated with a political party and who is nominated by an assembly of electors or individual electors.

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

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

**SECTION 19.** ORS 254.145 is amended to read:

254.145. (1)(a) Except as provided in paragraph (b) of this subsection, the names of candidates for nomination for or election to each office shall be arranged on the ballot in the order determined under ORS 254.155.

(b) The names of candidates for the offices of President and Vice President of the United States shall be arranged in groups.

(2) Except as provided in ORS 254.125 and 254.135 and this section, no information about the candidate, including any title or designation, other than the candidate's name, may appear on the ballot.

(3) Spaces shall be provided for any offices appearing on the ballot in which the elector may write the name of any person not printed on the ballot. If a voting machine is used, spaces shall be provided on the ballot, or on separate material delivered to the elector with the ballot, in which the elector may write or enter the names of persons for any offices appearing on the ballot.

(4) On the left margin of the ballot, the name of each group or candidate may be numbered. The blank spaces may not be numbered. A particular number may not be used to designate more than one candidate at any election.

(5) The names of all candidates for the same office shall be listed in the same column on the ballot. If more than one column is needed to list names of all candidates for that office, the names may be arranged in one or more columns in block form. The block shall be set apart by rulings under the title of the office. If a blank space follows the list of candidates, the space shall be in the same column as the names of candidates for that office. If blocks of columns are used, blank spaces shall be included within the ruled block.

(6) The ballot shall be clearly marked to indicate when names of candidates for the office are continued on the following page.

(7) When a measure is submitted to the people, the number, ballot title and financial estimates under ORS 250.125 of each measure shall be printed after the list of candidates. A measure referred by the Legislative Assembly shall be designated <<Referred to the People by the Legislative Assembly.>> A state measure referred by petition shall be designated <<Referendum Order by Petition of the People.>> A state measure proposed by initiative petition shall be designated <<Proposed by Initiative Petition.>>

(8) The ballot shall be printed to give the elector a clear opportunity to designate the elector's [~~choice~~] **choices** for candidates and approval or rejection of measures submitted. [~~If a voting machine is not used, the elector shall indicate a preference by making a cross or check mark inside a voting square corresponding to the candidate or answer for which the elector wishes to vote. A voting square may be printed on the blank, write-in vote spaces. However, the elector is not required to place a mark in the voting square corresponding to a name written in a blank space.~~] **The ballot shall provide the elector with the ability to score each candidate appearing on the ballot on a scale of zero to nine, with zero being the lowest score possible and nine being the highest score possible.** Words shall be printed on the ballot to aid the elector [~~, such as <<Vote for one,>> <<Vote for three,>> and~~] regarding measures, **such as** <<Yes>> and <<No**,**[~~.~~]>> **and to inform the elector on how ballots will be tallied under sections 15 and 16 of this 2017 Act.**

**SECTION 20.** ORS 254.365 is amended to read:

254.365. [~~(1) An elector is not qualified or permitted to vote at any primary election for any candidate of a major political party, and it is unlawful for the elector to offer to do so, unless:~~]

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

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

[~~(2) Except as provided in ORS 254.470 (3), any elector offering to vote at the primary election shall be given a ballot of the major political party with which the elector is registered as being affiliated. The elector may not be given a ballot of any other political party at that primary election. An elector not affiliated with any political party and offering to vote at the primary election shall be given the ballot of the major political party in whose primary election the elector wishes to vote if that party has provided under subsection (3) of this section for a primary election that admits electors not affiliated with any political party. An elector not affiliated with any political party who is given a ballot of the major political party associates with the party for the purpose of voting in that primary election.~~]

**(1)(a) Each elector registered in this state may cast a ballot in the presidential primary election.**

**(b) An elector's presidential primary election ballot may be tallied only in the manner set forth in sections 15 and 16 of this 2017 Act.**

[~~(3)(a)~~] **(2)** Not later than the 90th day before the date of the **presidential** primary election, a major political party may file with the Secretary of State a certified copy of the current party rule allowing an elector not affiliated with [~~any~~] **the**political party to vote in the party's **presidential** primary election. **This rule may either permit electors not affiliated with any political party to vote in the party's presidential primary election or permit all electors in this state to vote in the party's presidential primary election.** The party may not repeal the rule as filed during the 90 days before the **presidential**primary election. The rule shall continue to be effective after the date of the **presidential** primary election until the party gives written notice to the Secretary of State that the rule has been repealed. [~~Except as provided in paragraph (b) of this subsection,~~] A party rule under this subsection may limit the candidates for whom an elector who is not affiliated with any political party may vote.

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

[~~(4)~~] **(3)(a) Except as provided in paragraph (b) of this subsection:**

**(A) If the presidential primary ballot is given to an elector who is affiliated with a major political party, the ballot shall be marked with the name of that political party.**

**(B)** If the **presidential** primary election ballot[~~includes city, county or nonpartisan offices or measures, and it~~] is given to an elector who is not **affiliated with a major political party,**[~~eligible to vote for party candidates,~~] the ballot shall be marked <<non-affiliated.>>

**(b) If each major political party files a rule with the Secretary of State under subsection (2) of this section that permits all electors in this state to vote in the party's presidential primary election, the ballots do not have to be marked as either <<non-affiliated>> or with the name of the major political party with which the elector is affiliated.**

**SECTION 21.** ORS 246.179 is amended to read:

246.179. (1) Notwithstanding ORS 246.250, the Secretary of State shall reimburse each county clerk for necessary expenses of an election described in subsection (2) of this section based on a claim filed by the county clerk and approved by the Secretary of State. The claim shall be made on a form designed by the Secretary of State. The Secretary of State shall make the reimbursement from funds made available to the Secretary of State by the Emergency Board.

(2) The Secretary of State shall reimburse each county clerk for necessary expenses of:

(a) [~~A special primary election or~~] A special election to fill a vacancy in the election or office of United States Senator or Representative in Congress held on a date other than the date of the **presidential** primary election or the general election; or

(b) A recall election involving the holder of a state office. As used in this subsection, <<state office>> has the meaning given that term in ORS 249.002.

**SECTION 22.** ORS 246.021 is amended to read:

246.021. (1) Except as provided in ORS 247.012 and subsection (2) of this section, an election document and an accompanying payment of fees required to be filed with the Secretary of State, county clerk or other filing officer must be delivered to and actually received at the office of the designated officer not later than 5 p.m. of the day the document or fee is due or, if the day due is a Saturday, Sunday or holiday, on the next business day.

(2) If, at 5 p.m. of the day an election document is due, an individual is physically present in the office of the secretary, county clerk or other filing officer and in line waiting to deliver the document, the individual is considered to have begun the act of delivering the document and is permitted to file it.

(3) Except as provided in ORS 253.690, any election document required to be filed with the filing officer other than ballots, voter registration cards or petitions requiring signatures of electors may also be filed by means of an electronic facsimile transmission machine. If an election document is required to be filed by a specified time, the entire document must be received in the office of the filing officer not later than 5 p.m. of the day the document is due or, if the day due is a Saturday, Sunday or holiday, on the next business day.

(4) Notwithstanding any provision of subsections (1) to (3) of this section, if a statement is required to be filed electronically under ORS 260.057:

(a) The statement must be received electronically at the office of the Secretary of State not later than 11:59 p.m. of the day the statement is due or, if the day due is a Saturday, Sunday or holiday, on the next business day; and

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

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

**SECTION 23.** ORS 246.270 is amended to read:

246.270. On the day of any **presidential** primary election, general election or special election held throughout the county, the county clerk's office shall remain open for business pertaining to the election from 7 a.m. to 8 p.m. of the same day.

**SECTION 24.** ORS 247.176 is amended to read:

247.176. (1) During the period extending from the 250th day before the [~~primary~~] **general** election to the date of the [~~primary~~]**general** election and the period extending from the day after the [~~primary~~] **general** election to the 250th day before the next [~~primary~~] **general** election:

(a) Any person may request delivery from the Secretary of State of not more than an aggregate total of 5,000 registration cards prepared under ORS 247.171; and

(b) Upon receiving a request under this subsection, the Secretary of State shall deliver to the person the number of registration cards requested that does not exceed an aggregate total of 5,000.

(2) The Secretary of State shall adopt rules describing when the Secretary of State will honor requests for delivery of more than 5,000 registration cards prepared under ORS 247.171.

**SECTION 25.** ORS 247.203 is amended to read:

247.203. An elector who updates a registration during the period extending from the 20th day before a **presidential** primary election to the date of the **presidential** primary election may not, during that period:

(1) Change the elector's political party affiliation if the elector's immediate past registration record shows the elector was or is registered as affiliated with a political party.

(2) Terminate affiliation with a political party if the elector's immediate past registration record shows the elector was or is registered as affiliated with a political party.

(3) Adopt a political party affiliation if the elector's immediate past registration shows that the elector was not or is not registered as affiliated with a political party.

**SECTION 26.** ORS 247.296 is amended to read:

247.296. (1) The county clerk shall use records of the United States Postal Service relating to ballots issued by mail to verify the accuracy of addresses of electors contained in the registration file of the county clerk.

(2) Based on information obtained under subsection (1) of this section, the county clerk shall automatically update the registration of an elector under ORS 247.292 or mail a notice described in ORS 247.563.

(3) The registration of an elector shall not be canceled during the 90-day period prior to any **presidential** primary or general election based on information obtained under this section.

**SECTION 27.** ORS 247.940 is amended to read:

247.940. (1) Not later than the 21st day before any**presidential** primary election, general election or special congressional election, a major political party qualified under ORS 248.006 or its affiliate within the county or a minor political party qualified under ORS 248.008 may request from the county clerk a list of active electors, as described in ORS 247.013, of the county. Except as provided in this section, the list shall contain the name, party affiliation, residence or mailing address and precinct name or number of each active elector and shall be arranged in groups by election precinct. The list may not contain any information about participants in the Address Confidentiality Program established under ORS 192.820 to 192.868. A major political party or its affiliate within the county or a minor political party may make no more than two separate requests under this subsection.

(2) If the county clerk receives a request under subsection (1) of this section, the clerk shall deliver the list not later than:

(a) Ten days after receiving the request; or

(b) The date requested, provided that the date requested is more than 10 days after the request was made and at least 10 days before the date of any **presidential** primary election, general election or special congressional election.

(3) The county clerk may not charge for preparation or delivery of the list supplied under this section.

**SECTION 28.** ORS 247.945 is amended to read:

247.945. (1) The county clerk, upon request before the 45th day before a **presidential** primary, general or special election, shall deliver to any person a list of electors. The list may not contain any information about participants in the Address Confidentiality Program established under ORS 192.820 to 192.868. The lists shall be prepared in the manner requested, limited only to the capabilities of the Secretary of State or the county clerk.

(2) The county clerk shall collect and pay into the county treasury a charge for the actual cost of supplying lists under subsection (1) of this section.

(3) The county clerk shall keep a record of all persons to whom a list of electors is delivered under this section.

(4) Upon request, the Secretary of State shall deliver to any person a statewide list of electors. The secretary shall charge a fee of $500 for delivering a list under this subsection. The list may not contain any information about participants in the Address Confidentiality Program established under ORS 192.820 to 192.868.

**SECTION 29.** ORS 248.017 is amended to read:

248.017. Notwithstanding any provision of ORS 248.015, an otherwise qualified person who will attain the age of 18 years after the deadline for filing a declaration of candidacy for the office of precinct committeeperson and on or before the date of the [~~primary~~] **general** election, and who is registered as a member of the major political party not later than the date of the [~~primary~~] **general** election, is eligible to file a nominating petition for the office of precinct committeeperson, to be listed on the ballot and to be elected to the office, including by write-in votes.

**SECTION 30.** ORS 248.023 is amended to read:

248.023. (1) Not later than the 20th day after a [~~primary~~]**general** election, the county clerk shall mail a certificate of election to each newly elected precinct committeeperson within the county. The clerk also shall mail an <<Acceptance of Office>> form to each person elected by write-in votes to the office of committeeperson. The form shall include a statement to be signed by the person elected that the person is qualified to hold the office.

(2) A person elected by write-in votes to the office of precinct committeeperson shall be certified for the office by filing with the county clerk, not later than the 27th day after the date of the [~~primary~~] **general** election, a signed <<Acceptance of Office>> form.

(3) Not later than the 31st day after a [~~primary~~] **general**election, the county clerk shall prepare, maintain and furnish to the chairpersons of the respective retiring county central committees within the county and the chairpersons of the state central committees, a list of the party precinct committeepersons elected and certified. At the same time the county clerk shall declare the other offices of committeeperson vacant.

**SECTION 31.** ORS 248.029 is amended to read:

248.029. (1) Except as provided in this section, the provisions for recall of a public officer under ORS 249.002 to 249.013 and 249.865 to 249.877, apply to a recall election of a precinct committeeperson.

(2) A precinct committeeperson may be recalled by a petition signed by the number of party members equal to not less than 25 percent of the number of party members who voted in the precinct as it existed at the preceding [~~primary~~] **general** election. The petitioners shall state in not more than 200 words on the recall petition the reasons for the recall. If the committeeperson resigns, the resignation shall take effect on the date of the resignation. If the committeeperson does not resign before the fifth day after the petition is filed with the county clerk, a special election shall be ordered by the county clerk to be held not later than the 25th day after the petition is filed to determine whether the committeeperson will be recalled. The recall election shall be held in the precinct as it existed when the committeeperson was elected. On the ballot shall be printed the reasons for the recall stated in the recall petition, and, in not more than 200 words, the committeeperson's justification of the committeeperson's actions in office. The committeeperson shall continue to perform duties of the office until the result of the special election is declared.

(3) The cost of the election shall be paid by the county central committee of the party of the committeeperson.

**SECTION 32.** ORS 248.045 is amended to read:

248.045. Proxies in no instance shall be permitted to participate at any county central committee meeting. At any meeting of the county central committee, the committee may:

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

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

(3) Except as provided by ORS 248.035 (3), grant participation and voting privileges to a:

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

(b) Person who has been nominated **by the major political party** for a public office at the preceding [~~primary~~] **general**election.

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

**SECTION 33.** ORS 248.075 is amended to read:

248.075. (1) The state central committee shall consist of at least two delegates from each county central committee and other delegates from each county equal to the number of party members in the county registered on the date of the [~~primary~~] **general**election divided by 15,000. If the remaining number exceeds 7,500, one additional delegate shall represent the county. The delegates and an equal number of alternate delegates shall be selected by the county central committee. When a delegate of a county central committee is unable to attend a meeting of the state central committee, an alternate delegate of the county central committee may attend the meeting.

(2) The organizational meeting of a newly elected state central committee shall be held on a date to be determined by party rule. The retiring state central committee shall mail notice of the meeting, not later than the sixth day before the meeting, to each member of the newly elected state central committee. If permitted by the bylaws of the state central committee, the state central committee may notify members by means other than by mail.

(3) The chairperson of the retiring state central committee shall mail a notice of the meeting to the county central committees not later than the 45th day before the meeting. The state central committee may not reorganize without the mailing of this notification.

(4) If a county central committee fails to organize before the organizational meeting of the state central committee, the appointed temporary chairperson of the county central committee may act as the sole delegate from that committee to the state central committee.

(5) If the retiring state central committee does not mail notice of the organizational meeting under subsection (2) of this section, the meeting may be called by a petition signed by at least 19 chairpersons of the county central committees. The petition shall state the time, date and place of the organizational meeting. A copy of the petition shall be mailed to each newly elected chairperson and vice chairperson of the county central committees not later than the sixth day before the meeting. A copy of the petition shall be filed with the Secretary of State.

**SECTION 34.** ORS 249.016 is amended to read:

249.016. [~~A candidate of a major political party for public office or~~] A candidate for nonpartisan office shall be nominated only in the manner provided in ORS 249.016 to 249.205.

**SECTION 35.** 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,~~] **or office of precinct committeeperson** 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 36.** 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 **nonpartisan** office [~~and department or position number, if any,~~] **or office of precinct committeeperson** for which the candidate seeks [~~nomination~~] **election**.

[~~(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, regarding a candidate for precinct committeeperson, that the candidate accepts the office if elected.

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

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

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

[~~(i)~~] **(g)** A statement of the candidate's occupation, educational and occupational background and prior governmental experience.

(2) Subsection [~~(1)(i)~~] **(1)(g)** of this section does not apply to a candidate for election as a precinct committeeperson.

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

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

**SECTION 37.** ORS 249.035 is amended to read:

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

(1) **A nonpartisan** state office[~~, United States Senator or Representative in Congress~~] shall be filed with the Secretary of State.

(2) **A nonpartisan** county office [~~or precinct committeeperson~~] shall be filed with the county clerk.

(3) **A nonpartisan** city office shall be filed with the chief city elections officer.

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

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

**SECTION 38.** ORS 249.037 is amended to read:

249.037. (1) [~~Except as otherwise provided in this section,~~] A nominating petition or declaration of candidacy shall be filed not sooner than the 250th day and not later than the 70th day before the date of the [~~primary~~] **general** election.

**(2) The filing deadline in subsection (1) of this section does not apply to a nominating petition for President of the United States.**

[~~(2) If a vacancy occurs in a partisan elective office after the 80th day and before the 70th day before the primary election, a nominating petition or declaration of candidacy for that office may be filed not later than the 65th day before the primary election.~~]

[~~(3) A declaration of candidacy for the office of precinct committeeperson may not be filed before February 1 immediately preceding the primary election.~~]

**SECTION 39.** ORS 249.042 is amended to read:

249.042. When an elector files with the appropriate filing officer the statement and prospective petition under ORS 249.061, or a declaration of candidacy, it is conclusive evidence that the elector is a candidate for [~~nomination or election by the elector's political party or to~~] the nonpartisan office stated in the petition or declaration.

**SECTION 40.** ORS 249.056 is amended to read:

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

[~~(a) United States Senator, $150.~~]

[~~(b)~~] **(a)** [~~Governor, Secretary of State, State Treasurer, Attorney General,~~] Commissioner of the Bureau of Labor and Industries, [~~Representative in Congress,~~] judge of the Supreme Court, Court of Appeals or Oregon Tax Court, or executive officer or auditor of a metropolitan service district, $100.

[~~(c)~~] **(b)** County officer, district attorney, county judge who exercises judicial functions or circuit court judge, $50.

[~~(d)~~] **(c)** [~~State Senator or Representative or~~] Councilor of a metropolitan service district under ORS chapter 268, $25.

(2) No filing fee shall be required of persons filing a declaration of candidacy for [~~precinct committeeperson or~~] justice of the peace.

**SECTION 41.** ORS 249.064 is amended to read:

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

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

[~~(3)~~] **(2)** Pursuant to ORS 249.008, the county clerks shall certify the signatures contained in the nominating petition for genuineness.

**SECTION 42.** ORS 249.076 is amended to read:

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

[~~(2)~~] Any elector may sign:

[~~(a)~~] **(1)** A nominating petition or certificate of nomination of any candidate for nonpartisan office; **and**

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

[~~(c)~~] **(2)** Nominating petitions or certificates of nomination for more than one candidate for the same office.

**SECTION 43.** ORS 249.170 is amended to read:

249.170. (1) A candidate who has filed a declaration of candidacy or a nominating petition **for a nonpartisan office** may withdraw not later than the 67th day before the date of the [~~primary~~] **general** election by filing a statement of withdrawal with the filing officer with whom the declaration or petition was filed. The statement shall be made under oath and state the reasons for withdrawal.

(2) The official with whom a declaration of candidacy is filed, upon request received not later than the 67th day before the date of the [~~primary~~] **general** election, shall refund the filing fee of a candidate who dies, withdraws or becomes ineligible for the [~~nomination~~] **office**.

**SECTION 44.** ORS 249.180 is amended to read:

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

**SECTION 45.** ORS 249.200 is amended to read:

249.200. (1) A major political party may nominate a candidate to fill a vacancy in a partisan elective office [~~in the following manner:~~]

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

[~~(b)~~] if the vacancy occurs [~~after the 70th day before the primary election but~~] before the 61st day before the general election, by selecting a nominee as provided by party rule.

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

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

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

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

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

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

(4) The Secretary of State by rule may adopt a schedule specifying the period following a vacancy within which a major political party that selects a nominee under subsection (1)[~~(b)~~] of this section must notify the filing officer of the name of the nominee under subsection (3) of this section.

**SECTION 46.** ORS 249.205 is amended to read:

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

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

**SECTION 47.** ORS 249.842 is amended to read:

249.842. (1) Subject to subsection (5) of this section, **and except as provided in ORS 254.650,** before the date of the general election, a vacancy in a nomination made by a **major political party or** minor political party may be filled as provided by party rule.

(2) Subject to subsection (5) of this section, before the date of the general election, a vacancy in a nomination made by an assembly of electors may be filled by:

(a) Reconvening the assembly that made the original nomination to select a new nominee; or

(b) A committee to whom the assembly at its convention delegated the authority to fill vacancies.

(3) An assembly of electors may reconvene under subsection (2) of this section only at the call of the chairperson of the original assembly. An assembly will be considered the assembly that made the original nomination if the chairperson and secretary are the same as those of the original assembly.

(4) Subject to subsection (5) of this section, before the date of the general election, a vacancy in a nomination made by individual electors may be filled by filing a new certificate of nomination. The certificate of nomination to fill the vacancy shall conform with the requirements of ORS 249.720 and 249.740.

(5) The Secretary of State by rule may adopt a schedule specifying the period after a vacancy in a nomination occurs within which a certificate of nomination filling the vacancy must be filed.

**SECTION 48.** ORS 249.850 is amended to read:

249.850. (1) The certificate of nomination to fill the vacancy under ORS 249.842, may be filed directly with the officer with whom the certificate of nomination of the original candidate was filed, or it may be presented in duplicate to any county clerk who shall file one of the certificates in the clerk's office, immediately notify the appropriate filing officer of the nomination and send the duplicate certificate to the officer by the most expeditious method practicable.

(2) Upon receipt of notification that a vacancy has been filled, the filing officer shall certify the name of the person selected to fill the vacancy to be included on the ballot. If the certification of candidates has already been sent to the county clerk, the Secretary of State or city filing officer immediately shall give written certification of the new candidate to each county clerk responsible for preparing ballots on which the office will appear. The certification shall state the name and residence of the candidate nominated to fill the vacancy, the office for which the nomination was made, the name of the **major political party or** minor political party the candidate represents or the name of the chairperson of the assembly nominating the candidate, and the name of the person for whom the candidate is substituted. Upon receipt of the certification, the county clerk shall place the new candidate's name on the ballot.

**SECTION 49.** ORS 250.127 is amended to read:

250.127. (1) Not later than the 99th day before a special election held on the date of a **presidential** primary election or any general election at which any state measure is to be submitted to the people, the financial estimate committee created under ORS 250.125 shall prepare and electronically file with the Secretary of State the estimates described in ORS 250.125 and, if the committee considers it necessary, a statement explaining the financial effects of the measure as described in ORS 250.125 (7). The financial estimate committee may begin preparation of the estimates and statement on the date that a petition is accepted for verification of signatures under ORS 250.105 or the date that a measure referred by the Legislative Assembly is filed with the Secretary of State, whichever is applicable.

(2) Not later than the 95th day before the election, the Secretary of State shall hold a hearing in Salem upon reasonable statewide notice to receive suggested changes to the estimates or statement or to receive other information. At the hearing any person may submit suggested changes or other information orally or in writing. Written suggestions or other information also may be submitted at any time before the hearing.

(3) The financial estimate committee shall consider suggestions and any other information submitted under subsection (2) of this section, and may file revised estimates or a revised statement with the Secretary of State not later than the 90th day before the election.

(4) Except as provided in subsection (5) of this section, the original estimates and statement and any revised estimates or statement shall be approved by a majority of the members of the financial estimate committee. If a member does not concur, the estimates or statement shall show only that the member dissents. The Secretary of State shall certify final estimates and a final statement not later than the 90th day before the election at which the measure is to be voted upon. All estimates and statements prepared under ORS 250.125 and this section shall be made available to the public.

(5) If a majority of the members of the financial estimate committee do not approve the estimates or statement, the Secretary of State alone shall prepare, file and certify the estimates or statement not later than the 88th day before the election at which the measure is to be voted upon with the data upon which the estimates or statement is based.

(6) The support or opposition of any member of the financial estimate committee to the original or revised estimates or statement shall be indicated in the minutes of any meeting of the committee. Meetings of the financial estimate committee shall be open to the public. Designees of the members of the financial estimate committee may attend any meetings of the committee in the place of the members, but the designees may not vote to approve or oppose any estimates or statement.

(7) A failure to prepare, file or certify estimates or a statement under ORS 250.125, this section or ORS 250.131 does not prevent the inclusion of the measure in the voters' pamphlet or placement of the measure on the ballot.

(8) If the estimates are not delivered to the county clerk by the 61st day before the election, the county clerk may proceed with the printing of ballots. The county clerk is not required to reprint ballots to include the estimates or to provide supplemental information that includes the estimates.

**SECTION 50.** ORS 251.022 is amended to read:

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

(2) A voters' pamphlet prepared under subsection (1) of this section shall contain information about the candidates for [~~nomination or~~] election to the office of United States Senator or Representative in Congress at the special election [~~or special primary election~~].

**SECTION 51.** ORS 251.026 is amended to read:

251.026. (1) The Secretary of State shall prepare and have printed in the voters' pamphlet for the [~~state~~] **presidential**primary election, the general election and any special election described in ORS 251.022 a statement containing, if applicable:

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

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

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

(d) Any other information the Secretary of State considers relevant to the conduct of the election.

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

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

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

(b) Voter registration forms.

(c) Elector instructions, including the right of an elector to request a second ballot if the first ballot is spoiled and the right of an elector to seek assistance in marking the ballot.

**SECTION 52.** ORS 251.065 is amended to read:

251.065. (1)[~~(a) Except as provided in paragraph (b) of this subsection,~~] Not sooner than the 120th day and not later than the 68th day before the **presidential** primary election, a candidate or agent on behalf of the candidate for nomination or election at the primary election to the office of President or Vice President of the United States[~~, United States Senator, Representative in Congress or a state office as defined in ORS 249.002~~] may file with the Secretary of State a portrait of the candidate and a statement of the reasons the candidate should be nominated or elected. [~~A candidate or agent on behalf of the candidate for nomination or election to a county or city office, or to an elected office of a metropolitan service district organized under ORS chapter 268, may file a portrait and statement under this subsection if permitted under ORS 251.067.~~]

[~~(b) A portrait and statement may be filed not later than the 63rd day before the primary election in the event of a vacancy described in ORS 249.037 (2).~~]

(2) Not sooner than the 120th day and not later than the 70th day before the general election, a candidate or agent on behalf of the candidate for election at the general election to the office of President or Vice President of the United States, United States Senator, Representative in Congress or a state office as defined in ORS 249.002 may file with the Secretary of State a portrait of the candidate and a statement of the reasons the candidate should be elected. A candidate or agent on behalf of the candidate for election to a county or city office, or to an elected office of a metropolitan service district organized under ORS chapter 268, may file a portrait and statement under this subsection if permitted under ORS 251.067.

(3) In the case of a special election to fill a vacancy as described in ORS 251.022, the Secretary of State by rule shall set the deadline for filing with the secretary a portrait of the candidate and a statement of the reasons the candidate should be nominated or elected.

(4) All portraits and statements described in this section must be filed using an electronic filing system designated by the Secretary of State under ORS 251.014.

(5) Subject to the requirements of this section, the Secretary of State by rule shall establish the format of the statements permitted under this section.

(6) A portrait or statement filed under this section must be accompanied by a telephone or electronic facsimile transmission machine number where the candidate may be contacted for purposes of ORS 251.087.

**SECTION 53.** ORS 251.067 is amended to read:

251.067. (1) A candidate or agent on behalf of the candidate for [~~nomination or~~] election to any county or city office, or to an elected office of a metropolitan service district organized under ORS chapter 268, may file a portrait or statement for inclusion in the state voters' pamphlet under ORS 251.065 if a county voters' pamphlet described in ORS 251.305 to 251.435 is not prepared for the **general** election in each county in which the electoral district of the candidate is located.

(2) A county measure or a measure of a metropolitan service district organized under ORS chapter 268, and the ballot title, explanatory statement and arguments relating to the measure, shall be included in the state voters' pamphlet as provided in ORS 251.285, if a county voters' pamphlet described in ORS 251.305 to 251.435 is not prepared:

(a) For the election on the county measure; or

(b) In each county in which the metropolitan service district is located, for the election on the metropolitan service district measure.

(3) If a county voters' pamphlet described in ORS 251.305 to 251.435 is prepared for an election at which a candidate for [~~nomination or~~] election to any county or city office, or to an elected office of a metropolitan service district organized under ORS chapter 268, is listed on the ballot, or at which a county measure or a measure of a metropolitan service district organized under ORS chapter 268 is listed on the ballot, the county voters' pamphlet shall include the county or city office, the office of the metropolitan service district or the county measure or measure of the metropolitan service district. Such offices and measures shall not be included in any state voters' pamphlet prepared for the election and distributed in the county for which the county voters' pamphlet is prepared.

(4) If a city or metropolitan service district organized under ORS chapter 268 is located in more than one county, and a county in which the city or metropolitan service district is located does not prepare a county voters' pamphlet described in ORS 251.305 to 251.435 for the election, candidates for [~~nomination or~~] election to any city office or an elected office of the metropolitan service district, and any measure of the metropolitan service district, shall be included in the state voters' pamphlet to be distributed to the county that does not prepare a county voters' pamphlet. The Secretary of State shall designate the candidates and measures that may be included in the state voters' pamphlet under this subsection.

**SECTION 54.** ORS 251.069 is amended to read:

251.069. The Secretary of State shall include in each voters' pamphlet, in which material of a candidate for [~~nomination or~~] election to an office of a metropolitan service district organized under ORS chapter 268 is printed as provided in ORS 251.065, 251.067 and 251.285, a map of the service district which illustrates the boundaries of each subdistrict. The map shall be printed immediately preceding the material of the candidates for an office of the district.

**SECTION 55.** ORS 251.075 is amended to read:

251.075. (1) A candidate may not submit for inclusion in the voters' pamphlet a portrait that was taken more than four years before the date the portrait is filed with the Secretary of State.

(2) A portrait submitted for inclusion in the voters' pamphlet shall:

(a) Be a conventional photograph with a plain background;

(b) Show the face or the head, neck and shoulders of the candidate; and

(c) Be prepared and processed for printing as prescribed by the Secretary of State.

(3) A portrait submitted for inclusion in the voters' pamphlet may not:

(a) Include the hands or anything held in the hands of the candidate;

(b) Show the candidate wearing a judicial robe, a hat or a military, police or fraternal uniform; and

(c) Show the uniform or insignia of any organization.

(4) The Secretary of State by rule shall prescribe the size and manner of placement of the portrait printed in the voters' pamphlet, except that the size of a portrait shall not be smaller than 1.5 inches by 1.75 inches. The rule shall apply in the same manner to all candidates for the same [~~nomination or~~] office.

**SECTION 56.** ORS 251.095 is amended to read:

251.095. (1) For space in the voters' pamphlet:

(a) Each candidate for nomination or election to the office of President or Vice President of the United States shall, at the time materials are filed under ORS 251.065, pay a fee of $3,500 to the Secretary of State or may submit a petition in a form prescribed by the secretary containing the signatures of 500 active electors of the state.

(b) Each candidate for [~~nomination or~~] election to the office of United States Senator or any state office to be voted for in the state at large shall, at the time materials are filed under ORS 251.065, pay a fee of $3,000 to the Secretary of State or may submit a petition in a form prescribed by the secretary containing the signatures of 500 active electors of the state.

(c) Each candidate for [~~nomination or~~] election to the office of Representative in Congress shall, at the time materials are filed under ORS 251.065, pay a fee of $2,500 to the Secretary of State or may submit a petition in a form prescribed by the secretary containing the signatures of 300 active electors of the candidate's electoral district.

(d) Each candidate for [~~nomination or~~] election to the office of state Senator or state Representative shall, at the time materials are filed under ORS 251.065, pay a fee of $750 to the Secretary of State or may submit a petition in a form prescribed by the secretary containing the signatures of 200 active electors of the candidate's electoral district.

(e) Each candidate for [~~nomination or~~] election to any other office shall, at the time materials are filed under ORS 251.065, pay a fee of $600 to the Secretary of State or may submit a petition in a form prescribed by the secretary containing the signatures of 200 active electors of the candidate's electoral district.

(2)(a) The signatures on a petition submitted under subsection (1) of this section shall be verified by the county clerk or the Secretary of State.

(b) The Secretary of State by rule shall establish procedures for verifying whether a petition submitted under subsection (1) of this section contains the required number of signatures of active electors.

(3) The space allotted to each candidate shall be used for materials filed under ORS 251.065, including the portrait and statement of reasons the candidate should be nominated or elected and the information required under ORS 251.085. The length of the statement may not exceed 325 words. All candidates shall be allowed the same amount of space. The Secretary of State by rule shall prescribe the size of the space allotted to each candidate, except that the space may not be smaller than 30 square inches.

**SECTION 57.** ORS 251.165 is amended to read:

251.165. (1) The Secretary of State shall prepare:

(a) A list of the names of candidates for nomination or election at the **presidential** primary election to the offices of President or Vice President of the United States, [~~United States Senator, Representative in Congress, any state office other than justice of the peace and any county or city office or elected office of a metropolitan service district required to be included under ORS 251.067,~~] or a list of names of candidates for election at the general election to the offices of President or Vice President of the United States, United States Senator, Representative in Congress, any state office other than justice of the peace and any county or city office or elected office of a metropolitan service district required to be included under ORS 251.067, along with a designation of the offices for which the candidates are competing;

(b) All portraits and statements filed under ORS 251.065 and 251.115; and

(c) The information specified in ORS 251.185 relating to measures to be voted upon at the election for which the pamphlet is prepared.

(2) For a special election described in ORS 251.022, the Secretary of State shall prepare a list of the names of candidates for [~~nomination or~~] election to the offices of United States Senator or Representative in Congress along with all portraits and statements filed for the special election under ORS 251.065.

(3) The items specified in subsections (1) and (2) of this section shall be properly compiled, edited, prepared and indexed for printing by the Secretary of State before delivery to the printer.

**SECTION 58.** ORS 251.175 is amended to read:

251.175. (1) Except as provided in subsection (2) of this section, not later than the 20th day before a **presidential** primary election, general election or special election for which a voters' pamphlet has been prepared, the Secretary of State shall cause the voters' pamphlet to be mailed to each post-office mailing address in Oregon, and shall use any additional means of distribution necessary to make the pamphlet available to electors.

(2) For any special election described in ORS 251.022 that is not held statewide, or for any other state special election that is not held statewide, the Secretary of State by rule may prescribe methods for distributing the voters' pamphlet prepared for the election. The rule shall require the secretary to mail the pamphlet to at least each elector whose registration is determined to be active on the 21st day before the date of the election and who is eligible to vote in the election. The rule may specify other methods of distribution. Voters' pamphlets prepared for the election shall be mailed not later than the date ballots are mailed to electors as provided in ORS 254.470.

**SECTION 59.** ORS 251.205 is amended to read:

251.205. (1) As used in this section, <<proponents>> means:

(a) With respect to any state measure initiated or referred by petition, the chief petitioners; or

(b) With respect to a measure referred by the Legislative Assembly, the President of the Senate, who shall appoint a Senator, and the Speaker of the House of Representatives, who shall appoint a Representative.

(2) For each state measure to be submitted to the people at a special election held on the date of a **presidential** primary election or any general election, a committee of five citizens shall be selected to prepare the explanatory statement under ORS 251.215.

(3) Not later than the 120th day before the election, the proponents of the measure shall appoint two members to the committee and notify the Secretary of State in writing of the selections. If the proponents do not appoint two members, the Secretary of State shall appoint two members of the committee from among supporters, if any, of the measure not later than the 118th day before the election.

(4) Not later than the 118th day before the election, the Secretary of State shall appoint two members of the committee from among the opponents, if any, of the measure.

(5) The four appointed members of the committee shall select the fifth member and notify the Secretary of State in writing of the selection. If the four members have not selected the fifth member by the 111th day before the election, the fifth member shall be appointed by the Secretary of State not later than the 109th day before the election.

(6) A vacancy shall be filled not later than two business days after the vacancy occurs by the person who made the original appointment. Unless the Secretary of State fills a vacancy, the person filling the vacancy shall notify the Secretary of State in writing of the selection.

(7) With respect to a measure referred by the Legislative Assembly, a Senator or Representative appointed under subsection (1) of this section may disclose whether the Senator or Representative supports or opposes the state measure. The Secretary of State shall print the disclosure in the voters' pamphlet following the explanatory statement.

(8) The Legislative Administration Committee shall provide any administrative staff assistance required by the explanatory statement committee to facilitate the work of the explanatory statement committee under this section or ORS 251.215.

(9) For purposes of this section, <<measure>> includes an initiative petition relating to a state measure that has been filed with the Secretary of State for the purpose of verifying signatures under ORS 250.105. The requirements of this section shall not apply to the petition if the secretary determines that the petition contains less than the required number of signatures of electors.

**SECTION 60.** ORS 251.205, as amended by section 12, chapter 88, Oregon Laws 2016, is amended to read:

251.205. (1) As used in this section, <<proponents>> means:

(a) With respect to any state measure initiated or referred by petition, the chief petitioners; or

(b) With respect to a measure referred by the Legislative Assembly, the President of the Senate, who shall appoint a Senator, and the Speaker of the House of Representatives, who shall appoint a Representative.

(2) For each state measure to be submitted to the people at a special election held on the date of a **presidential** primary election or any general election, a committee of five citizens shall be selected to prepare the explanatory statement under ORS 251.215.

(3) Not later than the 120th day before the election, the proponents of the measure shall appoint two members to the committee and notify the Secretary of State in writing of the selections. If the proponents do not appoint two members, the Secretary of State shall appoint two members of the committee from among supporters, if any, of the measure not later than the 118th day before the election.

(4) Not later than the 118th day before the election, the Secretary of State shall appoint two members of the committee from among the opponents, if any, of the measure.

(5) The four appointed members of the committee shall select the fifth member and notify the Secretary of State in writing of the selection. If the four members have not selected the fifth member by the 111th day before the election, the fifth member shall be appointed by the Secretary of State not later than the 109th day before the election.

(6) A vacancy shall be filled not later than two business days after the vacancy occurs by the person who made the original appointment. Unless the Secretary of State fills a vacancy, the person filling the vacancy shall notify the Secretary of State in writing of the selection.

(7) With respect to a measure referred by the Legislative Assembly, a Senator or Representative appointed under subsection (1) of this section may disclose whether the Senator or Representative supports or opposes the state measure. The Secretary of State shall print the disclosure in the voters' pamphlet following the explanatory statement.

(8) The Legislative Policy and Research Committee shall provide any administrative staff assistance required by the explanatory statement committee to facilitate the work of the explanatory statement committee under this section or ORS 251.215.

(9) For purposes of this section, <<measure>> includes an initiative petition relating to a state measure that has been filed with the Secretary of State for the purpose of verifying signatures under ORS 250.105. The requirements of this section shall not apply to the petition if the secretary determines that the petition contains less than the required number of signatures of electors.

**SECTION 61.** ORS 251.215 is amended to read:

251.215. (1) Not later than the 99th day before a special election held on the date of a **presidential** primary election or any general election at which any state measure is to be submitted to the people, the committee appointed under ORS 251.205 shall prepare and electronically file with the Secretary of State, an impartial, simple and understandable statement explaining the measure. The statement shall not exceed 500 words.

(2) Not later than the 95th day before the election, the Secretary of State shall hold a hearing in Salem upon reasonable statewide notice to receive suggested changes or other information relating to any explanatory statement. At the hearing any person may submit suggested changes or other information orally or in writing. Written suggestions or other information also may be submitted at any time before the hearing.

(3) The committee for each measure shall consider suggestions and any other information submitted under subsection (2) of this section, and may file a revised statement with the Secretary of State not later than the 90th day before the election.

(4) The original statement and any revised statement must be approved by at least three members of the committee. If a member does not concur, the statement shall show only that the member dissents.

(5) For purposes of this section, <<measure>> includes an initiative petition relating to a state measure that has been filed with the Secretary of State for the purpose of verifying signatures under ORS 250.105. The requirements of this section shall not apply to the petition if the secretary determines that the petition contains less than the required number of signatures of electors.

**SECTION 62.** ORS 251.245 is amended to read:

251.245. (1) For any measure referred to the electors by the Legislative Assembly, an argument prepared by the Legislative Assembly in support of the measure may be printed in the voters' pamphlet. The size and length of an argument under this section shall be determined as specified in ORS 251.255.

(2) A joint committee consisting of one Senator, to be appointed by the President of the Senate, and two Representatives, to be appointed by the Speaker of the House of Representatives, shall be appointed to prepare the argument. The committee shall electronically file the argument with the Secretary of State not later than the 70th day before a general election or the 68th day before a special election held on the date of any **presidential**primary election. There shall be no fee for including an argument submitted under this section in the voters' pamphlet.

**SECTION 63.** ORS 251.255 is amended to read:

251.255. (1) Not later than the 70th day before a general election or the 68th day before a special election held on the date of any **presidential** primary election at which a state measure is to be voted upon, any person may file with the Secretary of State an argument supporting or opposing the measure.

(2)(a) A person filing an argument under this section shall pay a fee of $1,200 to the Secretary of State when the argument is filed or may submit a petition in a form prescribed by the Secretary of State containing the signatures of 500 active electors. Each person signing the petition shall subscribe to a statement that the person has read and agrees with the argument.

(b) The signatures on each petition shall be verified by the county clerk or the Secretary of State.

(c) The Secretary of State by rule shall establish procedures for verifying whether a petition submitted under this subsection contains the required number of signatures of active electors.

(3) An argument filed under this section must be filed using an electronic filing system designated by the Secretary of State under ORS 251.014.

(4) The Secretary of State by rule shall establish the size and length of arguments permitted under ORS 251.245 and this section, except that the length of an argument may not exceed 325 words. The size and length limitations shall be the same for arguments submitted under ORS 251.245 or this section.

**SECTION 64.** ORS 251.285 is amended to read:

251.285. (1) If any county measure or any measure of a metropolitan service district organized under ORS chapter 268, and the ballot title, explanatory statement and arguments relating to the measure, are to be included by the Secretary of State in the state voters' pamphlet as provided in ORS 251.067, the requirements of this section shall be satisfied.

(2) The county or district measure, ballot title, explanatory statement and arguments shall not be printed in the voters' pamphlet unless:

(a) The ballot title is a concise and impartial statement of the purpose of the measure;

(b) The explanatory statement is an impartial, simple and understandable statement explaining the measure and its effect;

(c) The county or metropolitan service district adopts and complies with an ordinance that provides a review procedure for a ballot title or explanatory statement which is contested because it does not comply with the requirements of paragraph (a) or (b) of this subsection;

(d) The county or metropolitan service district adopts and complies with an ordinance that provides for acceptance of typewritten arguments relating to the measure not to exceed 325 words to be printed in the voters' pamphlet; and

(e) The county or metropolitan service district does not require of a person filing an argument a payment of more than $300, or a petition containing more than a number of signatures equal to 1,000 electors eligible to vote on the measure or 10 percent of the total of such electors, whichever is less.

(3) Any judicial review of a determination made under the review procedures adopted under subsection (2)(c) of this section shall be first and finally in the circuit court of the judicial district in which the county is located or, for a district measure, in the circuit court of the judicial district in which the administrative office of the metropolitan service district is located.

(4) If the county or metropolitan service district has adopted and complied with ordinances prescribed in subsection (2) of this section, the decision to include the county or district measure, ballot title, explanatory statement and arguments in the voters' pamphlet shall be made by:

(a) The county governing body with regard to any county measure or the council of the metropolitan service district with regard to any district measure;

(b) The chief petitioners of the initiative or referendum with regard to a county or district measure initiated or referred by the people. The chief petitioners shall indicate their decision in a statement signed by all of the chief petitioners and filed with the county clerk or, for a district measure, with the executive officer of the metropolitan service district; or

(c) A political committee, as defined in ORS 260.005, that opposes the county or district measure. The committee shall indicate its decision in a statement signed by every committee director, as defined in ORS 260.005, and filed with the county clerk or, for a district measure, with the executive officer of the metropolitan service district.

(5) The county or metropolitan service district shall file the measure, ballot title, explanatory statement and arguments with the Secretary of State not later than the 70th day before the general election or the 68th day before a special election held on the date of any **presidential** primary election. The county or district shall pay to the Secretary of State the cost of including the county or district material in the pamphlet as determined by the secretary. The Secretary of State shall not have this material printed in the pamphlet unless:

(a) The time for filing a petition for judicial review of a determination made under subsection (2)(c) of this section has passed; and

(b) The measure, title, statement and arguments properly filed with the county or metropolitan service district, are delivered to the secretary.

**SECTION 65.** ORS 251.325 is amended to read:

251.325. (1) The Secretary of State by rule shall adopt a schedule and procedures for preparing, printing and distributing county voters' pamphlets. The schedule and procedures shall include but not be limited to deadlines for filing material for the voters' pamphlet, and except as otherwise provided by law, the format of material to be submitted and the size and other requirements applicable to candidate portraits.

(2) Except as provided in subsection (3) of this section, at the time materials are filed under ORS 251.335, each candidate for [~~nomination or~~] election to the following offices shall pay to the county clerk the following fee for space in the county voters' pamphlet:

(a) An office to which a salary or other compensation beyond expenses is attached, $100.

(b) An office to which a salary or other compensation beyond expenses is not attached, $25.

(3) At the time materials are filed under ORS 251.335, each candidate for [~~nomination or~~] election to a city or county office at the [~~primary or~~] general election shall pay to the county clerk the following fee for space in the county voters' pamphlet:

(a) If the number of active electors in the electoral district is less than 1,000, $25.

(b) If the number of active electors in the electoral district is 1,000 or more and less than 10,000, $50.

(c) If the number of active electors in the electoral district is 10,000 or more and less than 50,000, $100.

(d) If the number of active electors in the electoral district is 50,000 or more, $300.

(4) The Secretary of State by rule shall adopt a schedule of fees to be charged by the county clerks for including arguments in the voters' pamphlet. The fees need not reflect the actual cost of producing the voters' pamphlet.

(5) The county clerk shall refund a filing fee described in this section to any person who applies for the refund not later than the last day for filing material for inclusion in the voters' pamphlet. When a refund is made, the material for which the fee was paid may not be included in the pamphlet.

(6) As used in this section, <<electoral district>> means a county, the part of a city located within the county or, if a candidate is elected by zone or subdistrict of the county or city, the zone or subdistrict in which the candidate is nominated or elected.

**SECTION 66.** ORS 251.335 is amended to read:

251.335. (1) As used in this section, <<district>> has the meaning given that term in ORS 255.012.

(2) Not later than the date specified by the Secretary of State, any candidate for [~~nomination or~~] election to county, city or special district office within the county, or an agent of the candidate, may file with the county clerk of a county that prepares a county voters' pamphlet a portrait of the candidate and a typewritten statement of the reasons the candidate should be elected. The portrait and statement must comply with the applicable rules of the Secretary of State.

(3) The county clerk may not accept the filing of a statement or portrait of any candidate unless the filing is accompanied by the appropriate fee described in ORS 251.325.

(4) At the bottom of each allotted space of the county voters' pamphlet containing a portrait and statement filed by a candidate, the county clerk shall include:

(a) A statement identifying the person who furnished the portrait and statement; and

(b) A disclaimer in boldfaced type in substantially the following form:

:RULE.

:FLPARNS.

The above information has not been verified for accuracy by the county.

:RULE.

**SECTION 67.** ORS 253.540 is amended to read:

253.540. (1) Any military or overseas elector may secure a ballot by submitting an application as specified in subsection (2) of this section to the clerk of the county of the military or overseas elector's residence, or to the Secretary of State. If the application is addressed to the Secretary of State, the secretary shall forward it to the appropriate county clerk.

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

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

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

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

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

(e) A statement of the facts that qualify the applicant as a military or overseas elector or as the spouse or a dependent of a military or overseas elector;

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

(g) If the applicant desires to vote in a **presidential**primary election, a designation of the applicant's political party affiliation or a statement that the applicant is not affiliated with any political party. [~~An applicant not affiliated with any political party may request a ballot for a major political party. The applicant shall be sent the ballot for the political party that the applicant requested if that political party has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party.~~]

**SECTION 68.** ORS 253.565 is amended to read:

253.565. (1) Any military or overseas elector may secure a special ballot for a **presidential** primary election or general election by making an application under this section if the elector believes that:

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

(b) The elector will be unable to vote and return a regular ballot by normal mail delivery within the period provided for regular absent electors.

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

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

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

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

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

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

(f) A statement of the facts that qualify the applicant as a military or overseas elector or as the spouse or a dependent of a military or overseas elector;

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

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

(i) If the applicant requests a ballot for a **presidential**primary election, a designation of the applicant's political party affiliation or a statement that the applicant is not affiliated with any political party. [~~An applicant not affiliated with any political party may request a ballot for a major political party. The applicant shall be sent the ballot for the political party that the applicant requested if that political party has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party.~~]

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

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

(5) The elector may write in the name of any eligible candidate for each office to be filled or for which nominations will be made at the election, and may vote on any measure submitted at the election.

**SECTION 69.** ORS 254.016 is amended to read:

254.016. Any **presidential** primary election, general election or special election held in this state shall be conducted under the provisions of this chapter, unless specifically provided otherwise in the statute laws of this state.

**SECTION 70.** ORS 254.046 is amended to read:

254.046. If a city holds a special election on a date other than the **presidential** primary election or general election, it shall bear the expense of the election.

**SECTION 71.** ORS 254.065 is amended to read:

254.065. (1) When one person is to be nominated for or elected to an office, the person receiving the highest number of votes**, as calculated under sections 15 and 16 of this 2017 Act,**shall be nominated or elected. When more than one person is to be [~~nominated for or~~] elected to a single office, the persons receiving the higher number of votes**, as calculated under section 15 of this 2017 Act,** shall be nominated or elected. This subsection does not apply to a candidate for election to an office at a general election if the election for the office must be held at a special election as described in ORS 254.650.

(2) No measure shall be adopted unless it receives an affirmative majority of the total votes cast on the measure. If two or more conflicting laws, or amendments to the Constitution or charter, are approved at the same election, the law, or amendment, receiving the greatest number of affirmative votes shall be paramount regarding each conflict, even though the law, or amendment, may not have received the greatest majority of affirmative votes.

**SECTION 72.** ORS 254.085 is amended to read:

254.085. (1) The Secretary of State, not later than the 61st day before the date of a **presidential** primary or general election, shall file with each county clerk a statement of the federal and state offices to be filled [~~or for which candidates are to be nominated in the county at the election~~], information concerning all candidates for the offices, and the state measures to be voted on.

(2) The information concerning candidates for the Supreme Court, Court of Appeals, Oregon Tax Court and circuit court shall include a designation of incumbent for each candidate who is the regularly elected or appointed judge of the court to which the candidate seeks election. If a candidate was regularly elected or appointed to a specific position or department on the court, the candidate shall be designated as the incumbent only if the person is a candidate for that position or department.

(3) Included with each state measure shall be the measure number, the latest ballot title certified by the Attorney General under ORS 250.067 (2) or, if the Supreme Court has reviewed the title under ORS 250.085, the title certified by the court and the financial estimates under ORS 250.125. The Secretary of State shall keep a copy of the statement.

**SECTION 73.** ORS 254.095 is amended to read:

254.095. (1) The chief elections officer of any city shall file with the county clerk of the county in which the city hall of the city is located[~~,~~] a statement of the city offices to be filled [~~or for which candidates are to be nominated~~] at the election and information concerning all candidates for the offices not later than the 61st day before the date of the election.

(2) Except as provided in subsection (3) of this section, the chief elections officer of any city shall file with the county clerk of the county in which the city hall is located[~~,~~] a statement of the city measures to be voted on, including the ballot title for each measure, not later than the 61st day before the date of the election.

(3) If a measure to be submitted to the electors of a city at an election held on the first Tuesday after the first Monday in November was submitted on the election date in ORS 221.230 (1) immediately preceding the first Tuesday after the first Monday in November, the chief elections officer of the city shall file the statement required for that measure in subsection (2) of this section on the 47th day before an election held on the first Tuesday after the first Monday in November.

(4) The chief elections officer of the city shall keep a copy of each statement filed under this section.

(5) If a city is located in more than one county, the county clerk under subsection (1) of this section shall immediately file the statement and information required under subsection (1) of this section with the county clerk of any other county in which the city is located.

**SECTION 74.** ORS 254.125 is amended to read:

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

(2) At the [~~primary election or~~] general election:

(a) The names of candidates who are opposed for [~~nomination or~~] election to the Supreme Court, Court of Appeals, Oregon Tax Court and circuit court shall be printed on the ballot before the names of candidates for those offices who are unopposed; and

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

**SECTION 75.** ORS 254.370 is amended to read:

254.370. The county clerk shall maintain:

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

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

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

**(4) A record of all electors registered as being affiliated with a political party who vote in a presidential primary election of a major political party that has provided under ORS 254.365 for a primary election that admits all electors registered in this state;** and

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

**SECTION 76.** ORS 254.470 is amended to read:

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

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

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

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

(3) For an election held on the date of a **presidential**primary election[~~:~~]**,**

[~~(a)~~] the county clerk shall mail the official ballot [~~of a major political party~~] to each elector who is registered [~~as being affiliated with the major political party~~] **in this state** as of the 21st day before the date of the election.

[~~(b) The county clerk shall mail the official ballot of a major political party to an elector not affiliated with any political party if the elector has applied for the ballot as provided in this subsection and that party has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party.~~]

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

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

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

(5) The ballot shall contain the following warning:

:RULE.

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

:RULE.

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

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

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

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

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

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

(8) A ballot shall be counted only if:

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

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

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

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

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

**SECTION 77.** ORS 254.474 is amended to read:

254.474. (1) At each **presidential** primary election and general election, the county clerk shall maintain voting booths in the county as follows:

(a) In each county with 35,000 or more electors in the county, the county clerk shall maintain a number of voting booths equal to at least one voting booth for every 20,000 electors in the county; and

(b) In each county with fewer than 35,000 electors in the county, the county clerk shall maintain at least one voting booth.

(2) The county clerk may determine the location of the voting booths required under this section.

**SECTION 78.** ORS 254.500 is amended to read:

254.500. (1) This section governs the tally of votes cast for persons whose names were not printed on the ballot but are written in by electors. All such write-in votes for each office on the ballot shall be tallied together, except as follows:

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

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

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

**SECTION 79.** ORS 254.545 is amended to read:

254.545. Subject to ORS 254.548, the county clerk:

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

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

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

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

(5) Shall prepare and deliver a certificate of [~~nomination or~~] election to each candidate having the most votes for [~~nomination for or~~] election to county or precinct offices.

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

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

**SECTION 80.** ORS 254.546 is amended to read:

254.546. (1) In the case of a recall election held on a date other than the date of the **presidential** primary election or general election, the county clerk shall prepare an abstract of the votes and deliver it to the elections official authorized to order the recall election not later than the 20th day after the election.

(2) Except as provided in subsection (3) of this section, for purposes of section 18, Article II, Oregon Constitution, the result of the recall election referred to in subsection (1) of this section shall be considered officially declared on the date the abstract of the votes is delivered.

(3) If the elections official authorized to order the recall election is the Secretary of State, the Secretary of State shall officially declare the result of the election not later than the 30th day after the election.

**SECTION 81.** ORS 254.548 is amended to read:

254.548. (1) An individual [~~nominated or~~] elected to a public office by write-in votes shall sign and file a form indicating that the individual accepts the [~~nomination or~~] office before the filing officer may issue a certificate of [~~nomination or~~] election. The Secretary of State by rule shall prescribe the form to be used under this section.

(2) In the case of an individual [~~nominated or~~] elected by write-in votes to a public office:

(a) Not later than the 27th day after the election, the filing officer shall:

(A) Prepare and deliver by regular mail the form described in subsection (1) of this section to the individual; and

(B) If the filing officer has the electronic mail address of the individual, prepare and deliver by electronic mail the form described in subsection (1) of this section to the individual;

(b) Not later than the 35th day after the election, if the individual accepts the [~~nomination or~~] office, the individual shall sign and file the form with the filing officer; and

(c) Not later than the 40th day after the election, if the individual files the form by the deadline specified in paragraph (b) of this subsection, the filing officer shall prepare and deliver a certificate of [~~nomination or~~] election to the individual and[~~, if applicable,~~] issue a proclamation declaring the election of the candidate to the office.

**SECTION 82.** ORS 254.555 is amended to read:

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

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

(b) Enter in a register of nominations after the **presidential** primary election the name and, if applicable, major political party of each candidate nominated[~~, the office for which the candidate is nominated~~] and the date of entry.

(c) Prepare and deliver a certificate of nomination or election to each candidate having the most votes for nomination for or election to the office. The Secretary of State shall sign the certificate under the seal of the state.

(d) Issue a proclamation declaring the election of candidates to the offices.

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

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

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

**SECTION 83.** ORS 254.565 is amended to read:

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

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

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

[~~(b) The office for which the candidate is nominated.~~]

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

[~~(d) The date of the entry.~~]

[~~(2)~~] **(1)** After the general election, shall prepare and deliver a certificate of election to each qualified candidate having the most votes for election to a city office.

[~~(3)~~] **(2)** Not later than the 30th day after any election, shall canvass the vote on each city measure, and if two or more of the approved measures contain conflicting provisions, proclaim which is paramount.

**SECTION 84.** ORS 254.575 is amended to read:

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

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

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

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

(4) For nomination by one major political party to [~~an office~~] **the office of President of the United States**, the elections officer who receives filings for nomination to the office shall have the candidates meet publicly to decide by lot who is nominated.

**SECTION 85.** ORS 255.069 is amended to read:

255.069. (1) Not later than the 115th day before a regular district election, or not later than the 135th day before a district election held on the date of a **presidential** primary election or general election, the elections officer shall deliver to each district elections authority a form for updating information on members of district boards. The form shall include, at a minimum, the district offices to be filled or for which candidates are to be nominated or elected at the next district election and information concerning the candidates.

(2) Not later than the 105th day before a regular district election or not later than the 125th day before a district election held on the date of a **presidential** primary election or general election, the district elections authority shall return to the elections officer the form for updating information on members of district boards.

(3) The elections officer shall prepare the notice required by ORS 255.075 by using the form completed by the district elections authority and any other information available. If the form is not returned by the district elections authority by the deadline specified in subsection (2) of this section, the elections officer shall prepare the notice for the district using the most current information available. If the form is returned by the district elections authority after the deadline, the elections officer shall prepare a corrected notice. The district shall be liable for any additional costs incurred in preparing and publishing a corrected notice.

(4) The elections officer shall retain the completed forms in a file maintained for that purpose. All forms shall be kept for a period of at least four years after the district election for which the form was completed.

(5) If a district is located in more than one county, the elections officer shall immediately certify the information contained on the form required under subsection (2) of this section to the county clerk of any other county in which the district is located.

(6) The Secretary of State by rule shall establish the forms and procedures the elections officer and the district elections authority shall use in maintaining adequate records for preparation of the form required under subsection (1) of this section.

**SECTION 86.** ORS 255.235 is amended to read:

255.235. (1) A candidate for election as a member of a district board shall be nominated by filing with the elections officer either:

(a) A petition for nomination signed by at least 25 electors, or 10 percent of the electors, residing in the election district for the office, whichever number is less; or

(b) A declaration of candidacy accompanied by a filing fee of $10.

(2) A petition for nomination or a declaration of candidacy shall be filed with the elections officer not sooner than the 40th day before the deadline specified in paragraph (a) or (b) of this subsection and:

(a) Not later than the 61st day before the date of the district election if the election is a regular district election or the first election at which members of the district board are elected.

(b) Not later than the 70th day before the date of the district election if the election is held on the date of a**presidential** primary election or general election.

(3) A nominating petition or declaration of candidacy shall contain the information specified in ORS 249.031.

(4) In a district in which a position or zone number is assigned to each office on the district board, each petition for nomination or declaration of candidacy for election to the district board shall state the position or zone number of the office to which the candidate seeks election.

(5) The provisions of ORS 249.009 (1)(b) and 249.061 do not apply to nominating petitions filed under this section.

(6) A nominee for election to the district board may withdraw the nomination not later than 5 p.m. of the last day specified for filing a petition or declaration under this section by filing with the elections officer a written withdrawal of candidacy. The withdrawal shall be signed by the nominee and state the reasons for withdrawal.

**SECTION 87.** ORS 258.006 is amended to read:

258.006. As used in this chapter:

(1) <<Candidate>> means a candidate for nomination **for President of the United States** or election to any elective office.

(2) <<Contestant>> means any person who files a petition of contest under ORS 258.036.

(3) <<Contestee>> means:

(a) In a contest of the nomination of a person for [~~an office~~] **President of the United States** or the election of a person to an office, all candidates for the nomination or office, other than a candidate who is a contestant.

(b) In a contest of the approval or rejection of a measure proposed by initiative petition, the chief petitioner of the petition, unless the chief petitioner is a contestant, and any other person involved in the cause of the contest.

(c) In a contest of the result of a recall election, the public officer subject to the recall.

(d) If the cause of the contest is ORS 258.016 (6) or (7), the county clerk.

(4) <<County clerk>> means the county clerk or the county official in charge of elections.

(5) <<Elector>> means an individual qualified to vote under section 2, Article II, Oregon Constitution.

(6) <<Full recount>> means a recount of all the precincts in which votes were cast for the nomination or office for which a candidate received a vote or on any measure that appeared on the ballot.

(7) <<Measure>> includes any of the following submitted to the people for their approval or rejection at an election:

(a) A proposed law.

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

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

(d) Local, special or municipal legislation.

(e) A proposition or question.

(8) <<Partial recount>> means a recount conducted in a number of precincts equal to the greater of:

(a) Five percent of the precincts in which votes were cast for the nomination or office for which a candidate received a vote or on any measure that appeared on the ballot; or

(b) Three specified precincts in which votes were cast for the nomination or office for which a candidate received a vote or on any measure that appeared on the ballot.

**SECTION 88.** ORS 258.016 is amended to read:

258.016. The nomination [~~or~~] **of a person for President of the United States,** election of a person **to any office**, the result of a recall election or the approval or rejection of a measure may be contested by any elector entitled to vote for the person, recall or measure, by any person who was a candidate at the election for the same nomination or office, by the public officer subject to the recall, by the Secretary of State if the contest involves a state measure, the recall of a state officer or a candidate for whom the Secretary of State is the filing officer, or by the county clerk who conducted the election, only for the following causes:

(1) Deliberate and material violation of any provision of the election laws in connection with the nomination, election, recall election or approval or rejection of a measure.

(2) Ineligibility of the person elected to the office to hold the office at the time of the election.

(3) Illegal votes.

(4) Mistake or fraud in the canvass of votes.

(5) Fraud in the count of votes.

(6) Nondeliberate and material error in the distribution of the official ballots by a local elections official, as that term is defined in ORS 246.012, or a county clerk.

(7) A challenge to the determination of the number of electors who were eligible to participate in an election on a measure conducted under section 11 (8), Article XI of the Oregon Constitution.

**SECTION 89.** ORS 258.026 is amended to read:

258.026. (1) The nomination **of a person for President of the United States** or election of a person **to any office** may not be set aside for any cause listed in ORS 258.016 (3) to (5) unless:

(a) The person nominated or elected had knowledge of or connived in the cause of the contest; or

(b) The number of votes taken from the person nominated or elected by reason of the cause of the contest would reduce the legal votes of the person below the number of legal votes given to another person for the same nomination or office.

(2) The nomination **of a person for President of the United States** or election of a person **to any office** may not be set aside for the cause described in ORS 258.016 (6) unless the nomination or election would have been given to one of the candidates other than the candidate nominated or elected if all votes not cast or tallied due to the error had been cast or tallied for the other candidate.

(3) The approval or rejection of a measure may not be set aside unless:

(a) The number of votes taken from the approval or rejection by reason of the cause of the contest would reverse the outcome of the election; or

(b) The outcome of the election would have been reversed if all votes not cast or tallied due to an error under ORS 258.016 (6) had been cast or tallied in opposition to the contested outcome.

(4) The result of a recall election may not be set aside unless:

(a) The number of votes taken from the result of the recall election by reason of the cause of the contest would reverse the result; or

(b) The result of the recall election would have been reversed if all votes not cast or tallied due to an error under ORS 258.016 (6) had been cast or tallied in opposition to the contested result.

**SECTION 90.** ORS 258.036 is amended to read:

258.036. (1) Not later than the 40th day after the election or the seventh day after completion of a recount of votes cast in connection with the election, any person authorized to contest a result of the election may file a petition of contest. The petition shall be filed with:

(a) The Circuit Court for Marion County if the petition involves a state measure, a candidate for election to the office of elector of President and Vice President of the United States or a candidate for [~~nomination or~~] election to the office of United States Senator, United States Representative in Congress, Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries or a position of judge on the Oregon Supreme Court, the Oregon Court of Appeals or the Oregon Tax Court.

(b) The circuit court for the county where a majority of the electors in the electoral district reside if the petition involves a candidate for [~~nomination or~~] election to the office of state Senator, state Representative, circuit court judge or district attorney.

(c) The circuit court for the county in which the filing officer is located if the petition involves a candidate for [~~nomination or~~] election to county, city or district office or a county, city or district measure. If a district is located in more than one county, the petition shall be filed with the circuit court for the county in which the administrative office of the district is located.

(d) The circuit court for the county in which the filing officer authorized to order the recall election is located if the petition involves the recall of a public officer.

(2) The petition shall be verified in the manner required for verification of complaints in civil cases and shall specify:

(a) The cause of the contest; and

(b) The names of all contestees.

**SECTION 91.** ORS 258.046 is amended to read:

258.046. (1) The prevailing party in the contest proceeding shall recover costs, disbursements and reasonable attorney fees at trial and on appeal against the losing party. However, if the cause of the contest is a mistake in the canvass of votes and the contestant prevails, the cost of any recanvass of votes shall be paid by:

(a) The county for a contest of a state or county [~~nomination,~~] office, recall election or measure;

(b) The city for a contest of a city [~~nomination,~~] office, recall election or measure; or

(c) Any other political subdivision or public corporation for a contest of such a subdivision or corporation nomination, office, recall election or measure.

(2) In a contest under ORS 258.016 (7), costs, disbursements and attorney fees may not be assessed against the county clerk unless the court makes a specific finding of fault against the county clerk.

**SECTION 92.** ORS 258.055 is amended to read:

258.055. (1) Except as provided in subsection (2) of this section, when a contestant files a petition of contest with the circuit court described under ORS 258.036, the contestant shall, within three business days of filing the petition, publish a notice stating that the petition has been filed and identifying the date of the deadline described in this subsection for filing a motion to intervene. The notice must be published at least once in the next available issue of a newspaper of general circulation published in the county where the proceeding is pending. Jurisdiction over the election contest shall be complete within 10 days after the notice is published as provided in this subsection. Any person interested may at any time before the expiration of the 10 days appear and contest the validity of the proceeding, or of any of the acts or things enumerated in the proceeding.

(2) Subsection (1) of this section does not apply if the contest involves:

(a) A state measure.

(b) The election of a candidate to the office of elector of President and Vice President of the United States.

(c) The [~~nomination or~~] election of a candidate to the office of United States Senator, United States Representative in Congress, Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries or a position of judge on the Oregon Supreme Court, the Oregon Court of Appeals or the Oregon Tax Court.

(d) The recall of a person from the office of Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries or a position of judge on the Oregon Supreme Court, the Oregon Court of Appeals or the Oregon Tax Court.

(3) Not later than two business days after the contestant files a petition of contest with the circuit court, the contestant shall serve a copy of the petition by certified mail on each contestee. If the Secretary of State or county clerk is not a contestee, not later than one business day after the contestant files a petition of contest with the circuit court, the contestant shall file a copy of the petition with:

(a) The Secretary of State if the petition involves a candidate for state office, the recall of a person from state office or a state measure; or

(b) The county clerk if the petition involves a candidate for county, city or district office, the recall of a person from county, city or district office or a county, city or district measure. As used in this paragraph, <<county clerk>> includes the county clerk of the county in which the administrative office of a city or district is located regarding a measure, a recall or a candidate for an office to be voted on in a city or district located in more than one county.

(4) The circuit court shall fix a time for the hearing by the circuit court of the contest proceeding, and not later than the fifth day before the hearing shall give written notice of the hearing to each party to the proceeding. In fixing the time for the hearing, the court shall consider the dates set in any notice published under subsection (1) of this section and the dates of service on the contestees. The contest proceeding shall take precedence over all other business on the circuit court docket.

(5) The circuit court shall hear and determine the proceeding without a jury and shall issue written findings of law and fact. The practice and procedure otherwise applicable to civil cases shall govern the proceeding, except that the contestant has the burden of proof by clear and convincing evidence.

**SECTION 93.** ORS 258.150 is amended to read:

258.150. The Secretary of State shall be responsible for insuring that the procedures to be used in conducting election recounts assure an accurate recount in the shortest time at the least expense. Whenever demands are filed for a recount of a vote for both a measure and a nomination **of a person for President of the United States** or **election of a person to any** office, or for more than one measure[~~, nomination~~] or office, the Secretary of State may determine the most appropriate procedure to be used in conducting the recounts simultaneously.

**SECTION 94.** ORS 258.161 is amended to read:

258.161. (1) A candidate or an officer of a political party on behalf of a candidate of the political party may file a demand requiring the Secretary of State to direct that a recount be made in specified precincts in which votes were cast for the nomination**of a person for the office of President of the United States** or**for election to any** office for which the candidate received a vote.

(2) An elector may file a demand requiring the Secretary of State to direct that a recount be made in specified precincts in which votes were cast on any measure which appeared on the ballot.

(3) A county clerk may file a demand requiring the Secretary of State to direct that a recount be made in specified precincts in which votes were cast for the nomination or office for which a candidate received a vote or on any measure that appeared on the ballot. The cash deposit requirement of subsection (5) of this section shall not apply to a demand made under this subsection. The cost of a recount conducted under this subsection shall be paid by the county of the county clerk making the demand.

(4) Except as provided in subsection (9) of this section, the person making a demand for a recount may, in the first demand, specify a partial or a full recount. A person making a demand for a partial recount shall specify the precincts in which votes were cast for the nomination or office or on the measure to be recounted. If in the first demand the person requested a partial recount, the person may file a supplemental demand for a recount of all the remainder of the precincts.

(5) Except as provided in subsections (3) and (6) of this section, each demand shall be accompanied by a cash deposit of $15 for each precinct to be recounted up to a maximum of $8,000 for a recount of all precincts in the state on a measure or for a nomination or office. The Secretary of State may retain the deposit for not more than 60 days after the election for which the recount was demanded, without depositing it in the General Fund.

(6) Upon application from a county clerk, the Secretary of State may waive the cash deposit requirement of subsection (5) of this section if, after the first demand, it appears that due to nondeliberate and material error by a local elections official, as defined in ORS 246.012, or a county clerk, the outcome of an election on a candidate or measure will be changed. The cost of a recount conducted under this subsection shall be paid by the county of the county clerk or the county of the local elections official who committed the error.

(7) Each demand shall be in the form and shall contain the information prescribed by the Secretary of State, including the names and addresses of all persons and organizations providing any part of the cash deposit and the amount provided by each.

(8) Except as provided in subsection (9) of this section, the first demand shall be filed in the office of the Secretary of State not later than the 35th day and a supplemental demand not later than the 45th day after the date of the election in which votes were cast for the nomination, office or measure.

(9) A demand for a recount made under this section on behalf of the electors of presidential and vice presidential candidates shall be for a full recount only and shall be filed no later than five business days after the Secretary of State declares the result of the election under ORS 254.555.

**SECTION 95.** ORS 258.211 is amended to read:

258.211. (1) The ballot boxes containing the ballots to be recounted shall be opened by the official directed to make the recount only in the presence of the counting board and the persons referred to in this section.

(2) The counting board shall conduct the recount by hand and, if requested, permit:

(a) In the instance of a nomination **for President of the United States** or **election to any** office, an affected candidate or an elector authorized in writing by an affected candidate, and an elector authorized in writing by each major or minor political party to be present to watch the recount.

(b) In the instance of a measure, one elector advocating and one elector opposing the measure to be present to watch the recount.

(3) For ballots cast using a voting machine:

(a) The county clerk shall deposit the paper record copy recorded by the machine into the ballot box; and

(b) The paper record copies are the ballots to be recounted under this section.

**SECTION 96.** ORS 258.221 is amended to read:

258.221. (1) The recount shall be completed as soon as practicable after the demand is filed.

(2) In the case of a full recount, the official directed to conduct the recount, as soon as practicable after completion of the recount, shall:

(a) Certify the abstract of votes recounted to the Secretary of State.

(b) Certify the abstract of votes recounted to the official issuing certificates of nomination or election regarding a nomination **for President of the United States** or **election to any**office, or to the official responsible for issuing a proclamation regarding a measure. The official then shall issue the appropriate certificate or proclamation.

(c) Notify by mail the person who filed the demand for the recount of the result and the cost of the recount.

(3) Not later than the 30th day after the completion of the recount the official directed to conduct the recount shall certify the cost of the recount to the Secretary of State.

**SECTION 97.** ORS 258.280 is amended to read:

258.280. (1) The Secretary of State shall order a full recount of the votes cast for nomination **for President of the United States** or election to a public office for which the Secretary of State is the filing officer, and the county clerk who conducted the election shall order a full recount of the votes cast for [~~nomination or~~] election to any other public office if the canvass of votes of the election reveals that:

(a) Two or more candidates for that nomination or office have an equal and the highest number of votes; or

(b) The difference in the number of votes cast for a candidate apparently nominated or elected to the office and the votes cast for the closest apparently defeated opponent is not more than one-fifth of one percent of the total votes for both candidates.

(2)(a) Unless otherwise provided by a home rule charter, at [~~an~~] **the general** election [~~described in ORS 249.088~~], the Secretary of State shall order a full recount of the votes cast for [~~nomination or~~] election to a nonpartisan office for which the Secretary of State is the filing officer, and the county clerk who conducted the election shall order a full recount of the votes cast for [~~nomination or~~] election to any other nonpartisan office, if the canvass of votes of the election reveals that the number of votes cast for a candidate differs from a majority of votes cast for the office by not more than one-fifth of one percent of the total votes cast for the office.

(b) This subsection does not apply to the office of sheriff, the office of county clerk[~~,~~] **or** the office of county treasurer [~~or a candidate to fill a vacancy, as described in ORS 249.091~~].

(3) The cost of a full recount conducted under this section shall be paid by the county for a county office, by the city for a city office, by the special district for a special district office or by the state for any other office.

**SECTION 98.** ORS 260.044 is amended to read:

260.044. (1) If a person makes independent expenditures in a total amount of more than $750 in a calendar year, the person shall use the electronic filing system adopted under ORS 260.057 to file with the Secretary of State a statement of independent expenditures not later than seven calendar days after the total amount of independent expenditures exceeds $750 in a calendar year.

(2) A person who files a statement of independent expenditures under subsection (1) of this section shall use the electronic filing system adopted under ORS 260.057 to file with the secretary additional statements of independent expenditures made by the person, as described in ORS 260.083.

(3) Except as provided in subsections (4) and (5) of this section, a person shall file a statement described in subsection (2) of this section not later than 30 calendar days after an independent expenditure is made.

(4)(a) A person shall file a statement described in subsection (2) of this section not later than seven calendar days after an independent expenditure is made. This paragraph applies to independent expenditures made:

(A) During the period beginning on the 42nd calendar day before the date of any **presidential** primary election and ending on the date of the **presidential** primary election; and

(B) During the period beginning on the 42nd calendar day before the date of any general election and ending on the date of the general election.

(b) If the person makes an independent expenditure prior to the 42nd calendar day before the date of the **presidential** primary or general election and the person has not filed a statement under subsection (3) of this section by the 43rd calendar day before the date of the **presidential** primary or general election, the person shall file a statement described in subsection (2) of this section not later than the 35th calendar day before the date of the **presidential** primary or general election.

(5) For any special election, the secretary by rule may establish a period during which a person must file a statement described in subsection (2) of this section. The period may not extend beyond seven calendar days after an independent expenditure is made.

(6) Notwithstanding ORS 260.005 (18), a person who solicits and receives a contribution or contributions is a political committee and shall file a statement of organization under ORS 260.042 and the statements required by ORS 260.057, 260.076 or 260.078.

(7) For purposes of this section:

(a) An independent expenditure does not include a contribution to a candidate or political committee that is required to report the contribution on a statement filed under ORS 260.057, 260.076 or 260.078 or a certificate filed under ORS 260.112;

(b) An independent expenditure does not include a contribution to a candidate who is not required to file a statement of organization under ORS 260.043; and

(c) A person is not a political committee under subsection (6) of this section if all contributions received by the person are:

(A) Designated to an identified candidate or political committee;

(B) Delivered by the person to the designated candidate or political committee not later than seven business days after the contribution is received; and

(C) Required to be reported as contributions by a candidate or political committee on a statement filed under ORS 260.057, 260.076 or 260.078 or a certificate filed under ORS 260.112.

**SECTION 99.** ORS 260.057 is amended to read:

260.057. (1) The Secretary of State by rule shall adopt an electronic filing system to be used by:

(a) All candidates and political committees to file with the secretary statements of contributions received and expenditures made by the candidates and political committees, as described in ORS 260.083.

(b) Treasurers of petition committees organized under ORS 260.118 to file with the secretary statements of contributions received and expenditures made by the treasurers or chief petitioners as described in ORS 260.083.

(c) Persons who make independent expenditures as provided in ORS 260.044 to file with the secretary statements of independent expenditures made by the persons as described in ORS 260.083.

(2) Except as otherwise provided in this section, a candidate or political committee shall file a statement of contributions received and expenditures made described in subsection (1)(a) of this section not later than 30 calendar days after a contribution is received or an expenditure is made.

(3)(a) A candidate for nomination or election at any**presidential** primary or general election or a political committee supporting or opposing a candidate or measure at any **presidential**primary or general election shall file a statement described in subsection (1)(a) of this section not later than seven calendar days after a contribution is received or an expenditure is made. This paragraph applies to contributions received and expenditures made:

(A) During the period beginning on the 42nd calendar day before the date of any **presidential** primary election and ending on the date of the **presidential** primary election; and

(B) During the period beginning on the 42nd calendar day before the date of any general election and ending on the date of the general election.

(b) For any special election, the secretary by rule may establish a period during which a candidate for [~~nomination or~~] election at the special election or a political committee supporting or opposing a candidate or measure at the special election must file a statement described in subsection (1) of this section not later than seven calendar days after a contribution is received or an expenditure is made.

(c) If the candidate or political committee receives a contribution or makes an expenditure prior to the 42nd calendar day before the date of the **presidential** primary or general election and the candidate or political committee has not filed a statement of the contribution or expenditure under subsection (2) of this section by the 43rd calendar day before the date of the **presidential** primary or general election, the candidate or political committee shall file a statement described in subsection (1)(a) of this section not later than the 35th calendar day before the date of the **presidential** primary or general election.

(4) The electronic filing system shall be provided free of charge by the secretary and shall:

(a) Accept electronic files that conform to the format prescribed by the secretary by rule; or

(b) Be compatible with any other electronic filing application provided or approved by the secretary.

(5)(a) Except as provided in paragraph (b) of this subsection, the secretary shall make all data filed electronically under subsection (1)(a) of this section and all information filed with the secretary under ORS 260.049 or 260.085 available on the Internet to the public free of charge according to a schedule adopted by the secretary by rule. The secretary shall make the data available in a searchable database that is easily accessible by the public. When the secretary makes data or information available on the Internet under this subsection, the secretary shall display any contribution received from a person or political committee with an out-of-state address in a different colored font than a contribution received from a person or political committee with an in-state address.

(b) The secretary may not make data that are filed electronically under subsection (1)(a) of this section available to the public under this section, unless the data are required to be listed under ORS 260.083. The secretary may not disclose under ORS 192.410 to 192.505 any data that are filed electronically under subsection (1)(a) of this section, unless the data are required to be listed under ORS 260.083.

(6)(a) Except as provided in paragraph (b) of this subsection, each statement required by this section shall be signed and certified as true by the candidate or treasurer required to file it. Signatures shall be supplied in the manner specified by the secretary by rule.

(b) A candidate or treasurer may designate an individual to sign and certify as true a statement required by this section. The designation must be filed in writing with the secretary and must be renewed for each two-year period beginning January 1 of an even-numbered year.

(7) This section does not apply to:

(a) Candidates for federal office;

(b) Candidates who are not required to file a statement of organization under ORS 260.043; or

(c) Candidates, political committees or petition committees that file certificates under ORS 260.112.

**SECTION 100.** ORS 260.118 is amended to read:

260.118. (1) The chief petitioners of an initiative, referendum or recall petition shall appoint a treasurer. The treasurer shall be an elector of this state. Contributions shall be received and expenditures made by or through the treasurer.

(2) The treasurer shall file a statement of organization of a petition committee with the appropriate filing officer. The treasurer shall file the statement not later than the third business day after a chief petitioner or the treasurer receives a contribution or makes an expenditure relating to the initiative, referendum or recall petition. The statement shall include:

(a) The name and address of the chief petitioners.

(b) The name and address of the treasurer appointed under subsection (1) of this section.

(c) A designation of the initiative, referendum or recall petition. The designation of the recall petition shall include the name of the officer whose recall is demanded.

(d) The name of the financial institution in which the petition account required under ORS 260.054 is established, the name of the account, the name of the account holder and the names of all individuals who have signature authority for the account. The Secretary of State may not disclose information received by the secretary under this paragraph except as necessary for purposes of enforcing the provisions of ORS chapters 246 to 260.

(3) If there is a change in the information submitted in a statement of organization under subsection (2) of this section, the treasurer shall file an amended statement of organization not later than the 10th day after the change in information.

(4) The treasurer of an initiative, referendum or recall petition committee shall use the electronic filing system adopted under ORS 260.057 to file with the Secretary of State statements of contributions received and expenditures made by the petition committee, as described in ORS 260.083.

(5) The treasurer of an initiative petition committee shall file a statement described in subsection (4) of this section not later than seven calendar days after a contribution is received or an expenditure is made. This subsection applies to contributions received and expenditures made:

(a) During the period beginning on the 42nd calendar day before the date that is four months before a general election and ending on the date that is four months before a general election; and

(b) During the period beginning on the 42nd calendar day before the date of any **presidential** primary election and ending on the date of the **presidential** primary election and the period beginning on the 42nd calendar day before the date of any general election and ending on the date of the general election.

(6) The treasurer of a referendum petition committee or a recall petition committee shall file a statement described in subsection (4) of this section not later than seven calendar days after a contribution is received or an expenditure is made. This subsection applies:

(a) For a referendum petition committee, to contributions received and expenditures made during the period beginning on the date the treasurer is appointed under subsection (1) of this section and ending on the deadline for submitting signatures for verification; and

(b) For a recall petition committee, to contributions received and expenditures made during the period beginning on the day after the date on which the statement of contributions received and expenditures made that is required under ORS 249.865 is filed and ending on the deadline for submitting signatures for verification.

(7) Except as provided in subsection (8) of this section, during a period not described in subsection (5) or (6) of this section, a treasurer of an initiative, referendum or recall petition committee shall file a statement described in subsection (4) of this section not later than 30 calendar days after a contribution is received or an expenditure is made.

(8) If a treasurer of an initiative petition committee receives a contribution or makes an expenditure prior to the 42nd calendar day before the date that is four months before a general election, or the 42nd day before the date of the **presidential**primary election or general election, and the treasurer has not filed a statement of the contribution or expenditure under subsection (4) of this section by the 43rd calendar day before the date that is four months before a general election, or the 43rd day before the date of the **presidential** primary election or general election, the treasurer shall file a statement described in subsection (4) of this section not later than the 35th calendar day before the date that is four months before a general election, or the 35th day before the date of the **presidential** primary election or general election.

(9) For an initiative petition committee, the accounting period for the first statement filed under this section begins on the date the treasurer is appointed under subsection (1) of this section.

(10) Each statement required under this section shall be signed and certified as true by the treasurer. Signatures shall be supplied in the manner specified by the secretary by rule.

(11) Subsections (4) to (10) of this section do not apply to petition committees that file certificates under ORS 260.112.

(12) As used in this section, <<contribution>> and <<expenditure>> include a contribution or expenditure to or on behalf of an initiative, referendum or recall petition.

**SECTION 101.** ORS 260.163 is amended to read:

260.163. (1) A county or city may adopt charter provisions or ordinances that:

(a) Require the filing of electronic or paper statements of contributions received and expenditures made that are in addition to the statements required to be filed under this chapter by candidates for [~~nomination or~~] election to county or city office or by political committees supporting or opposing candidates for [~~nomination or~~] election to county or city office or the adoption of a county or city measure;

(b) Require the filing of electronic or paper statements of independent expenditures made by persons in support of or in opposition to candidates for [~~nomination or~~] election to county or city office or in support of or in opposition to the adoption of a county or city measure that are in addition to the statements required to be filed under this chapter; or

(c) Subject to subsection (2) of this section, designate the county clerk or city elections officer as the filing officer for:

(A) Statements required to be filed under this chapter by candidates for [~~nomination or~~] election to county or city office or by political committees supporting or opposing candidates for [~~nomination or~~] election to county or city office or the adoption of a county or city measure;

(B) Statements required to be filed under this chapter by persons making independent expenditures in support of or opposition to candidates for [~~nomination or~~] election to county or city office or in support of or opposition to the adoption of a county or city measure;

(C) Any additional statements of contributions received or expenditures made that are required by a charter provision or ordinance to be filed by candidates for [~~nomination or~~] election to county or city office or by political committees supporting or opposing candidates for [~~nomination or~~] election to county or city office or the adoption of a county or city measure; or

(D) Any additional statements of independent expenditures made that are required by a charter provision or ordinance to be filed by persons supporting or opposing candidates for [~~nomination or~~] election to county or city office or supporting or opposing the adoption of a county or city measure.

(2) If a county or city adopts a charter provision or ordinance requiring the filing of statements of contributions received and expenditures made or the filing of statements of independent expenditures that are in addition to the statements required to be filed under this chapter, the charter provision or ordinance shall also designate the county clerk or city elections officer as the filing officer for the additional statements.

(3) If a county or city adopts a charter provision or ordinance under subsection (1) of this section:

(a) The county or city shall file a copy of the charter provision or ordinance with the Secretary of State; and

(b) For purposes of this chapter, any additional statements required to be filed by the charter provision or ordinance are considered statements required to be filed under ORS 260.044 or 260.057.

(4) If a county or city adopts a charter provision or ordinance under subsection (1) of this section that designates the county clerk or city elections officer as the filing officer for a statement described in subsection (1) of this section, any reference in this chapter to the filing officer or to the Secretary of State as the filing officer for the statement is considered a reference to the county clerk or the city elections officer.

**SECTION 102.** ORS 260.532 is amended to read:

260.532. (1) No person shall cause to be written, printed, published, posted, communicated or circulated, any letter, circular, bill, placard, poster, photograph or other publication, or cause any advertisement to be placed in a publication, or singly or with others pay for any advertisement, with knowledge or with reckless disregard that the letter, circular, bill, placard, poster, photograph, publication or advertisement contains a false statement of material fact relating to any candidate, political committee or measure.

(2) As used in subsection (1) of this section, <<cause>> does not include the broadcast of an advertisement by a radio or television station or cable television company unless the advertisement is for:

(a) The candidacy of the owner, licensee or operator of the station or company; or

(b) A ballot measure of which a chief petitioner is the owner, licensee or operator of the station or company.

(3) A candidate who knows of and consents to a publication or advertisement prohibited by this section with knowledge or with reckless disregard that it contains a false statement of material fact, violates this section regardless of whether the candidate has participated directly in the publication or advertisement.

(4) There is a rebuttable presumption that a candidate knows of and consents to any publication or advertisement prohibited by this section caused by a political committee over which the candidate exercises any direction and control.

(5) Any candidate or political committee aggrieved by a violation of this section shall have a right of action against the person alleged to have committed the violation. The aggrieved party may file the action in the circuit court for any county in this state in which a defendant resides or can be found or, if the defendant is a nonresident of this state, in the circuit court for any county in which the publication occurred. To prevail in such an action, the plaintiff must show by clear and convincing evidence that the defendant violated subsection (1) of this section.

(6) A plaintiff who prevails in an action provided by subsection (5) of this section may recover economic and noneconomic damages, as defined in ORS 31.710, or $2,500, whichever is greater. The court may award such additional equitable relief as it considers necessary or proper. The equitable relief may include, but is not limited to, a requirement that a retraction of the false statement be disseminated in the manner directed by the court. Proof of entitlement to economic and noneconomic damages must be by a preponderance of evidence. The court shall award the prevailing party reasonable attorney fees at trial and on appeal.

(7) A political committee has standing to bring an action provided by subsection (5) of this section as plaintiff in its own name, if its purpose as evidenced by its preelection activities, solicitations and publications has been injured by the violation and if it has fully complied with the provisions of this chapter. In an action brought by a political committee as provided by subsection (5) of this section, the plaintiff may recover economic and noneconomic damages for all injury to the purpose of the committee as provided in subsection (6) of this section.

(8) If a judgment is rendered in an action under this section against a defendant who has been nominated to public office or elected to a public office other than state Senator or state Representative, and it is established by clear and convincing evidence that the false statement was deliberately made or caused to be made by the defendant, the finder of fact shall determine whether the false statement reversed the outcome of the election. If the finder of fact finds by clear and convincing evidence that the false statement reversed the outcome of the election, the defendant shall be deprived of the nomination or election and the nomination or office shall be declared vacant.

(9) An action under this section must be filed not later than the 30th day after the election relating to which a publication or advertisement in violation of this section was made. Proceedings on a complaint filed under this section shall have precedence over all other business on the docket. The courts shall proceed in a manner [~~which~~] **that** will ensure that:

(a) Final judgment on a complaint [~~which~~] **that** relates to a**presidential** primary election or nominating election is rendered before the 30th day before the general election; and

(b) Final judgment on a complaint [~~which~~] **that** relates to an election to an office is rendered before the term of that office begins.

(10) The remedy provided by this section is the exclusive remedy for a violation of this section.

**SECTION 103.** ORS 3.030 is amended to read:

3.030. Each circuit judge shall hold office for the term for which the circuit judge was elected**,**[~~;~~] and at the general election [~~or, if applicable, at the election specified in ORS 249.088~~] next prior to the expiration of the term of office there shall be elected a circuit judge to succeed the circuit judge.

**SECTION 104.** ORS 8.610 is amended to read:

8.610. A district attorney for each county shall be elected by the electors of the county[~~,~~] at the general election [~~or, if applicable, at the election specified in ORS 249.088~~] next preceding the expiration of the term of the then incumbent. The district attorney shall hold office for the term of four years and until a successor is elected and qualified.

**SECTION 105.** ORS 51.230 is amended to read:

51.230. The election at which a justice of the peace shall be elected shall be the general election [~~or, if applicable, the election specified in ORS 249.088~~] next preceding the expiration of the term of the incumbent of the office.

**SECTION 106.** ORS 188.120 is amended to read:

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

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

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

**SECTION 107.** ORS 171.068 is amended to read:

171.068. (1) For purposes of ORS 171.060, 171.062 and 171.064, the county court or the board of county commissioners which shall fill the vacancy in the Legislative Assembly in a district created by reapportionment shall be the county court or board of county commissioners of each county any part of which is in the district that is created by the reapportionment and includes the residence from which the former Senator or Representative was elected.

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

(3) This section shall apply only to a vacancy in the Legislative Assembly occurring after [~~the primary election next following~~] reapportionment and before a person has been elected and qualified to fill the vacancy.

**SECTION 108.** ORS 198.747 is amended to read:

198.747. (1) Notwithstanding any provision of ORS 198.705 to 198.955 that provides a different effective date, an annexation, withdrawal, consolidation or merger shall not become effective during the period:

(a) Beginning after the 90th day before a [~~primary election or~~] general election and ending on the day after the election; or

(b) Beginning after the deadline for filing the notice of election before any other election held by any district or other municipal corporation involved in the annexation, withdrawal, consolidation or merger and ending on the day after the election.

(2) If the effective date established for an annexation, withdrawal, consolidation or merger is a date that is prohibited under this section, the annexation, withdrawal, consolidation or merger shall become effective on the day after the election.

(3) For the purposes of ORS 308.225 only, the effective date of an annexation shall be the date of the order declaring the annexation under ORS 198.855.

(4) For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225.

**SECTION 109.** ORS 199.519 is amended to read:

199.519. (1) Notwithstanding any different effective date specified in ORS 199.480, 199.505 or 199.507, a boundary change under ORS 199.410 to 199.534 shall not become effective during the period:

(a) Beginning after the 90th day before a **presidential**primary election or general election and ending on the day after the election; or

(b) Beginning after the deadline for filing the notice of election before any other election held by any city or district involved in the boundary change and ending on the day after the election.

(2) If the effective date established for a boundary change is a date that is prohibited under this section, the boundary change shall become effective on the day after the election for voting purposes.

(3) The provisions of this section do not apply if the territory affected by the boundary change has no registered voters.

(4) For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225.

**SECTION 110.** ORS 202.100 is amended to read:

202.100. (1) Not later than the 30th day after the Governor issues the proclamation provided for in ORS 199.790 or 202.060, the Governor shall appoint three electors, who must be residents of the new county so formed, to serve as county judge and commissioners for the new county. When the persons appointed accept and qualify for their offices under ORS 204.016 and 204.020, the new county shall have existence as a county and shall be governed by the laws of this state relating to counties. The persons appointed shall serve until the first Monday in January after the general election[~~, or, if applicable, after the election specified in ORS 249.088,~~] at which their successors are elected.

(2) At the next practicable general election[~~, or, if applicable, at the next practicable election specified in ORS 249.088,~~] following the appointment, successors to the persons appointed under this section shall be elected. The candidate receiving the highest number of votes shall be elected county judge. If the office of county judge has judicial functions, the candidate shall be elected to a six-year term. If the office of county judge has no judicial functions, the candidate shall be elected to a four-year term. The candidate receiving the second highest number of votes shall be elected to a four-year term as commissioner. The candidate receiving the third highest number of votes shall be elected to a two-year term as commissioner.

(3) The successors shall take office on the first Monday in January next following their election.

(4) At each general election[~~, or, if applicable, at each election specified in ORS 249.088,~~] following the election at which the first board is elected, a successor shall be elected to fill any expiring term.

**SECTION 111.** ORS 202.180 is amended to read:

202.180. (1) The county court of a new county or a county to which territory has been added shall, respectively:

(a) Cause all the registration records of electors living in the new county or in the territory that has been added to an existing county to be segregated from the registration records on file in the counties from which the new county is created or the county from which the territory has been removed;

(b) Cause the registration records to be delivered to the county clerk of the new county or the county to which the territory has been added; and

(c) Provide for the transfer to the county clerk of the new county or the county to which the territory has been added a list of electors and other election records, relating only to precincts and electors within the new county or the territory that has been added to an existing county.

(2) The county clerk of the new county or the county to which the territory has been added shall arrange and install the registration records received under subsection (1) of this section in the manner provided by law. The registration records constitute registration of the electors whose names appear on the records in the new county or the county to which the territory has been added, respectively.

(3) The list of electors and other registration and election records are records of the new county or the county to which the territory has been added, respectively.

(4)(a) If a county boundary change occurs on a date within a period described in paragraph (b) of this subsection, the change is not effective for purposes of eligibility for elections within the territory that is removed from one county and added to another county until the day after the respective ending date described in paragraph (b) of this subsection.

(b) The periods referred to in paragraph (a) of this subsection are the periods:

(A) Beginning on the day after the 90th day before a**presidential** primary election or a general election and ending on the day of the election; or

(B) Beginning on the day after the deadline for filing the notice of election before any election, other than a **presidential**primary election or a general election, that is held by a county, district or other municipal corporation affected by the boundary change and ending on the day of the election.

**SECTION 112.** ORS 203.035 is amended to read:

203.035. (1) Subject to subsection (3) of this section, the governing body or the electors of a county may by ordinance exercise authority within the county over matters of county concern, to the fullest extent allowed by Constitutions and laws of the United States and of this state, as fully as if each particular power comprised in that general authority were specifically listed in ORS 203.030 to 203.075.

(2) The power granted by this section is in addition to other grants of power to counties, shall not be construed to limit or qualify any such grant and shall be liberally construed, to the end that counties have all powers over matters of county concern that it is possible for them to have under the Constitutions and laws of the United States and of this state.

(3) An ordinance adopted by a county governing body that changes the number or mode of selection of elective county officers shall not take effect unless the ordinance is submitted to and approved by the electors of the county at a **presidential**primary election, general election or election held on the first Tuesday after the first Monday in November of an odd-numbered year. However, an ordinance adopted under this section may not change the mode of selection of a county assessor.

(4) Nothing in this section shall be construed to limit the rights of the electors of a county to propose county ordinances through exercise of the initiative power.

**SECTION 113.** ORS 203.230 is amended to read:

203.230. (1) The county court of any county which has not adopted a county charter pursuant to ORS 203.710 to 203.770, and in which the county judge has no judicial function, may order the office of county judge abolished and create in lieu thereof a third county commissioner. The order shall transfer all powers and duties of the county court and county judge to the board of county commissioners and, unless referred to the people, shall be effective on the date specified therein. The order made under this subsection may be referred to the people of the county for their approval or rejection and, if approved, shall become operative on the date specified in the order referred. The people of the county shall vote on such order at a **presidential** primary election or general election.

(2) If, in a year in which a county judge is to be elected in the county, the order made under subsection (1) of this section is to become operative[~~:~~]

[~~(a) On or subsequent to the date of the primary election but prior to the general election, then those persons nominated at the primary election for the office of county judge shall be candidates for the office of county commissioner created in the order.~~]

[~~(b)~~] on or subsequent to the date of the regular general election, then the person elected to the office of county judge shall, upon the expiration of the term of office of the county judge holding office at the time the order was approved, take office as the county commissioner created in the order if the order has become operative.

(3) When the order issued under subsection (1) of this section becomes operative, the county judge shall, until the expiration of the term of office of the county judge, serve as the third county commissioner. At the general election next preceding the expiration of the term of office of the county judge there shall be elected, in addition to the two county commissioners provided by law for each county, one county commissioner who shall possess the same qualifications and be subject to the same provisions of law as the other county commissioners.

(4) The order issued under subsection (1) of this section may specify any or all of the following relating to the third commissioner:

(a) Compensation that is different from the other commissioners;

(b) Powers and duties that are different from the other commissioners; and

(c) Service as chairperson of the board of commissioners.

(5) The person serving as county judge on the date the office is abolished shall serve as chairperson of the board of county commissioners until the expiration of the term of office of that person and shall be subject to the same provisions of law as the other county commissioners.

**SECTION 114.** ORS 203.710 is amended to read:

203.710. (1) The designation of county officers to perform functions under ORS 203.710 to 203.770 extends to those officers who, under a county charter or legislation enacted pursuant thereto, may be designated to perform the same functions.

(2) References to the county court in ORS 203.710 to 203.770 include the board of county commissioners.

(3) As used in ORS 203.710 to 203.770, unless the context requires otherwise, <<legally called election>> means any [~~primary election or~~] general election held throughout the county.

**SECTION 115.** ORS 204.005 is amended to read:

204.005. (1) The following county officers shall be elected at the [~~primary election or~~] general election[~~, as provided in ORS 249.088~~]:

(a) A sheriff.

(b) A county clerk.

(c) A county assessor.

(d) A county treasurer.

(e) A county commissioner to succeed any commissioner whose term of office expires the following January.

(f) In any county where there is a vacancy from any cause in the office of county commissioner, an additional commissioner to fill the vacancy.

(2) Unless an adopted county charter or a county ordinance provides otherwise, the governing body of a county shall appoint a county surveyor.

**SECTION 116.** ORS 221.040 is amended to read:

221.040. (1) When a petition for incorporation described in ORS 221.031 is signed by 20 percent or, in a county with a population over 300,000, by 10 percent, of the electors registered in the area proposed to be incorporated, the petition shall be filed with the county court of the county in which the proposed petition was filed under ORS 221.031. A petition shall not be accepted for filing unless all the signatures on the petition were obtained within the six-month period immediately following the date on which the petitions were filed under ORS 221.031. Upon the filing of the petition, the county court shall fix the time and place for the hearing of such petition and shall give notice thereof by publication once each week for two successive weeks in a newspaper published in the county where the petition is filed and of general circulation within the boundaries, and by posting the notice for the same period of time in three public places in the area proposed to be incorporated. The notice shall state the time and place of the hearing, describe the boundaries set forth in the petition and state the purpose of the petition. If any portion of the proposed incorporation of a city lies within another county or counties, then the notice shall be published in a newspaper of general circulation in each of the counties and in the same time and manner.

(2) At the time and place fixed for the hearing, or at any time and place at which the hearing may be continued or postponed, any person interested may appear and present oral or written objections to the granting of the petition, the forming of the proposed incorporated city or the estimated rate of taxation set forth in the petition. The court may alter the boundaries as set forth in the petition to include all territory which may be benefited by being included within the boundaries of the proposed incorporated city, but shall not modify boundaries so as to exclude any land which would be benefited by the formation of the proposed city. No land shall be included in the proposed city which will not, in the judgment of the court, be benefited. If the court determines that any land has been improperly omitted from the proposed city and the owner has not appeared at the hearing, it shall continue the hearing and shall order notice given to the nonappearing owner requiring the owner to appear before it and show cause, if any the owner has, why the owner's land should not be included in the proposed city. The notice shall be given by publication and posting in the same manner as the original notice for hearing and for the same period. For the purposes of this subsection, <<owner>> means the legal owner of record except that if there is a vendee under a duly recorded contract, the vendee shall be deemed to be the owner.

(3) Upon the final hearing of the petition, the court, if it approves the petition as originally presented or in an altered form, shall provide by order for the holding of an election relating to the incorporation of the proposed city. The order calling the election shall fix the date of the election on the date of the next [~~primary election or~~] general election that is not sooner than the 90th day after the date of the order. The order shall contain:

(a) A description of the exterior boundaries of the proposed city as determined by the court. The description shall be a metes and bounds or legal description prepared by the county surveyor or county assessor. The description prepared under this paragraph shall accurately describe the exterior boundaries of the proposed city as indicated on the map filed under ORS 221.031 (3) unless those boundaries were altered by the county court, in which case the description shall accurately describe the boundaries as altered;

(b) A provision requiring the county official in charge of elections to include on the ballot for the election a description of the boundaries of the proposed city using streets and other generally recognized features and a statement of the proposed permanent rate limit for operating taxes included in the petition for incorporation of the proposed city as required by ORS 221.031, which statement shall comply with the requirements of ORS 250.035; and

(c) The date on which the election will be held in the proposed city.

**SECTION 117.** ORS 221.050 is amended to read:

221.050. (1) The county court shall submit the proposition for incorporation determined as provided in ORS 221.040 to the electors registered in the area proposed to be incorporated. At the same election, five city council members for the proposed city shall be elected.

(2) ORS chapters 246 to 260 govern the conduct of an election under this section, including the nomination and election of the first city council, except as follows:

[~~(a) A nominating or primary election for the purpose of nominating candidates for the city council shall not be held.~~]

[~~(b)~~] **(a)** Notwithstanding ORS 249.037, a nominating petition or declaration of candidacy must be filed with the county clerk not sooner than the 100th day and not later than the 70th day before the date of the election.

[~~(c)~~] **(b)** At the time of filing a declaration of candidacy, a candidate for the first city council shall pay to the officer with whom the declaration is filed a fee of $25.

[~~(d)~~] **(c)** A nominating petition shall contain at least 25 signatures of electors in the area proposed to be incorporated or a number of signatures of electors equal to at least 10 percent of the number of electors in the area proposed to be incorporated as of the date the election is ordered under ORS 221.040, whichever is less.

(3) The proposed ballot title for an election under this section shall be in compliance with ORS 250.036.

(4) Not later than the 30th day after an election called under ORS 221.040 the county court calling the election shall proclaim whether the results of the election favor incorporation. The county court also shall proclaim which candidates for city council are elected, if the results of the election favor incorporation. The results of the election favor incorporation if a majority of the votes cast on the proposition favors incorporation and:

(a) At least 50 percent of registered electors eligible to vote in the election cast a ballot; or

(b) The election is held in May or November of any year.

(5) If the results of the election favor incorporation:

(a) The area described in the notice of election is incorporated as a city from the date of the election;

(b) The proposed rate limit for operating taxes submitted to and approved by the electors at the election shall be the permanent rate limit for operating taxes for the new city; and

(c) The five council members elected under subsection (2) of this section shall take office not later than the 10th day next following the proclamation on the proposition and council election.

**SECTION 118.** ORS 221.180 is amended to read:

221.180. (1) This section and ORS chapters 249 and 254 govern the manner of [~~nominating and~~] electing candidates for municipal offices in all cities.

(2) Notwithstanding ORS 249.037, [~~if a city does not hold a nominating election for municipal offices,~~] a nominating petition or declaration of candidacy shall be filed [~~not sooner than the 15th day after the date of the primary election and~~] not later than the 70th day before the date of the general election. A candidate who is nominated under this subsection may withdraw candidacy under ORS 249.830.

(3) All nominating petitions and declarations of candidacy shall be filed with the city elections officer. If the city charter or ordinance provides a manner of filing for nomination, a candidate for any office of that city shall file in that manner.

**SECTION 119.** ORS 222.040 is amended to read:

222.040. (1) Notwithstanding any provision of this chapter that provides a different effective date, an annexation, transfer of territory, consolidation or merger under this chapter, or any removal by a city by ordinance of a newly annexed area from a special district, shall not become effective during the period:

(a) Beginning after the 90th day before a **presidential**primary election or general election and ending on the day after the election; or

(b) Beginning after the deadline for filing the notice of election before any other election held by any city, district or other municipal corporation involved in the annexation, transfer of territory, consolidation, merger or removal, and ending on the day after the election.

(2) If the effective date established for an annexation, transfer of territory, consolidation, merger or removal is a date that is prohibited under this section, the annexation, transfer of territory, consolidation, merger or removal shall become effective on the day after the election.

(3) For the purposes of ORS 308.225 only, the effective date of an annexation under ORS 222.180 shall be the date of filing of the abstract referred to in ORS 222.180.

**SECTION 120.** ORS 222.250 is amended to read:

222.250. (1) After the charter commission has prepared and adopted a charter, the secretary of the charter commission shall file copies of the charter, certified as correct by the secretary or two or more members of the commission, with the governing bodies of each of the incorporated cities to be included in the proposed city. Within 30 days after the filing the governing bodies of the cities shall meet in joint convention, at the usual place of meeting of the governing body of the city having the largest population as shown by the last federal census, to adopt a ballot title for the question of consolidation and adoption of a city charter and tax base. The ballot title shall comply with the requirements of ORS 250.035. The permanent rate limit for operating taxes that is submitted to the electors shall be the permanent rate limit included in the petition for consolidation filed under ORS 222.230.

(2) The election shall be held on the date of the next [~~primary election or~~] general election that is not earlier than the 90th day after the filing. The election shall be called and held for the purpose of submitting the following question to the electors of each incorporated city and of each unincorporated area to be included in the proposed city:

(a) Whether an incorporated city shall be created consisting of the largest city proposed to be included therein, of each other incorporated city whose electors vote to create the proposed city, and of each unincorporated area in which the electors vote to create the proposed city;

(b) Whether the charter proposed by the charter commission shall be adopted as the charter for the city; and

(c) Whether the proposed permanent rate limit included in the petition for consolidation filed under ORS 222.230 shall be adopted as the proposed permanent rate limit of the new city.

(3) If the governing bodies cannot agree at the joint convention upon a date and a ballot title for the election, the county court of the county in which is located the administrative office of the city having the largest population of all cities proposed to be included in the consolidated city, by resolution duly adopted by the county court, shall determine a date and adopt a ballot title. The election in that case shall be called by the county court for the purposes provided in the petitions and ORS 222.210 to 222.310.

(4) The statement summarizing the measure and its major effect in a ballot title for an election under this section shall include a general description of the boundaries of the proposed city. The description shall use streets and other generally recognized features and name the cities proposed to be included in the consolidated city. Notwithstanding ORS 250.035, the statement summarizing the measure and its major effect shall not exceed 150 words.

(5) Not later than the 61st day before the date of the election, the officer performing the duties of clerk of the joint convention or the county court shall file the ballot title with the county clerk of the county in which is located the administrative office of the city having the largest population of all cities proposed to be included in the consolidated city. The ballot title may be challenged in the manner provided for county measures in ORS 250.195.

**SECTION 121.** ORS 244.050 is amended to read:

244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon Government Ethics Commission a verified statement of economic interest as required under this chapter:

(a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

(b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem judicial officer who does not otherwise serve as a judicial officer.

(c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

(d) The Deputy Attorney General.

(e) The Deputy Secretary of State.

(f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the Secretary of the Senate and the Chief Clerk of the House of Representatives.

(g) The president and vice presidents, or their administrative equivalents, in each public university listed in ORS 352.002.

(h) The following state officers:

(A) Adjutant General.

(B) Director of Agriculture.

(C) Manager of State Accident Insurance Fund Corporation.

(D) Water Resources Director.

(E) Director of Department of Environmental Quality.

(F) Director of Oregon Department of Administrative Services.

(G) State Fish and Wildlife Director.

(H) State Forester.

(I) State Geologist.

(J) Director of Human Services.

(K) Director of the Department of Consumer and Business Services.

(L) Director of the Department of State Lands.

(M) State Librarian.

(N) Administrator of Oregon Liquor Control Commission.

(O) Superintendent of State Police.

(P) Director of the Public Employees Retirement System.

(Q) Director of Department of Revenue.

(R) Director of Transportation.

(S) Public Utility Commissioner.

(T) Director of Veterans' Affairs.

(U) Executive director of Oregon Government Ethics Commission.

(V) Director of the State Department of Energy.

(W) Director and each assistant director of the Oregon State Lottery.

(X) Director of the Department of Corrections.

(Y) Director of the Oregon Department of Aviation.

(Z) Executive director of the Oregon Criminal Justice Commission.

(AA) Director of the Oregon Business Development Department.

(BB) Director of the Office of Emergency Management.

(CC) Director of the Employment Department.

(DD) Chief of staff for the Governor.

(EE) Administrator of the Office for Oregon Health Policy and Research.

(FF) Director of the Housing and Community Services Department.

(GG) State Court Administrator.

(HH) Director of the Department of Land Conservation and Development.

(II) Board chairperson of the Land Use Board of Appeals.

(JJ) State Marine Director.

(KK) Executive director of the Oregon Racing Commission.

(LL) State Parks and Recreation Director.

(MM) Public defense services executive director.

(NN) Chairperson of the Public Employees' Benefit Board.

(OO) Director of the Department of Public Safety Standards and Training.

(PP) Executive director of the Higher Education Coordinating Commission.

(QQ) Executive director of the Oregon Watershed Enhancement Board.

(RR) Director of the Oregon Youth Authority.

(SS) Director of the Oregon Health Authority.

(TT) Deputy Superintendent of Public Instruction.

(i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within the Governor's office.

(j) Every elected city or county official.

(k) Every member of a city or county planning, zoning or development commission.

(L) The chief executive officer of a city or county who performs the duties of manager or principal administrator of the city or county.

(m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.

(n) Every member of a governing body of a metropolitan service district and the auditor and executive officer thereof.

(o) Each member of the board of directors of the State Accident Insurance Fund Corporation.

(p) The chief administrative officer and the financial officer of each common and union high school district, education service district and community college district.

(q) Every member of the following state boards and commissions:

(A) Board of Geologic and Mineral Industries.

(B) Oregon Business Development Commission.

(C) State Board of Education.

(D) Environmental Quality Commission.

(E) Fish and Wildlife Commission of the State of Oregon.

(F) State Board of Forestry.

(G) Oregon Government Ethics Commission.

(H) Oregon Health Policy Board.

(I) Oregon Investment Council.

(J) Land Conservation and Development Commission.

(K) Oregon Liquor Control Commission.

(L) Oregon Short Term Fund Board.

(M) State Marine Board.

(N) Mass transit district boards.

(O) Energy Facility Siting Council.

(P) Board of Commissioners of the Port of Portland.

(Q) Employment Relations Board.

(R) Public Employees Retirement Board.

(S) Oregon Racing Commission.

(T) Oregon Transportation Commission.

(U) Water Resources Commission.

(V) Workers' Compensation Board.

(W) Oregon Facilities Authority.

(X) Oregon State Lottery Commission.

(Y) Pacific Northwest Electric Power and Conservation Planning Council.

(Z) Columbia River Gorge Commission.

(AA) Oregon Health and Science University Board of Directors.

(BB) Capitol Planning Commission.

(CC) Higher Education Coordinating Commission.

(DD) Oregon Growth Board.

(EE) Early Learning Council.

(r) The following officers of the State Treasurer:

(A) Deputy State Treasurer.

(B) Chief of staff for the office of the State Treasurer.

(C) Director of the Investment Division.

(s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725 or 777.915 to 777.953.

(t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.

(u) Every member of a governing board of a public university listed in ORS 352.002.

(v) Every member of the board of directors of an authority created under ORS 465.600 to 465.621.

(2) By April 15 next after the date an appointment takes effect, every appointed public official on a board or commission listed in subsection (1) of this section shall file with the Oregon Government Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

[~~(3) By April 15 next after the filing deadline for the primary election, each candidate described in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.~~]

[~~(4)~~] **(3)** Within 30 days after the filing deadline for the general election, each candidate described in subsection (1) of this section [~~who was not a candidate in the preceding primary election, or~~] who was nominated for public office described in subsection (1) of this section [~~at the preceding primary election by write-in votes,~~] shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

[~~(5)~~] **(4)** Subsections (1) to [~~(4)~~] **(3)** of this section apply only to persons who are incumbent, elected or appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections (1) to [~~(4)~~] **(3)** of this section also apply to persons who do not become candidates until 30 days after the filing deadline for the statewide general election.

[~~(6)~~] **(5)** If a statement required to be filed under this section has not been received by the commission within five days after the date the statement is due, the commission shall notify the public official or candidate and give the public official or candidate not less than 15 days to comply with the requirements of this section. If the public official or candidate fails to comply by the date set by the commission, the commission may impose a civil penalty as provided in ORS 244.350.

**SECTION 122.** ORS 244.050, as amended by section 10, chapter 88, Oregon Laws 2016, is amended to read:

244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon Government Ethics Commission a verified statement of economic interest as required under this chapter:

(a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

(b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem judicial officer who does not otherwise serve as a judicial officer.

(c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

(d) The Deputy Attorney General.

(e) The Deputy Secretary of State.

(f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the Legislative Policy and Research Director, the Secretary of the Senate and the Chief Clerk of the House of Representatives.

(g) The president and vice presidents, or their administrative equivalents, in each public university listed in ORS 352.002.

(h) The following state officers:

(A) Adjutant General.

(B) Director of Agriculture.

(C) Manager of State Accident Insurance Fund Corporation.

(D) Water Resources Director.

(E) Director of Department of Environmental Quality.

(F) Director of Oregon Department of Administrative Services.

(G) State Fish and Wildlife Director.

(H) State Forester.

(I) State Geologist.

(J) Director of Human Services.

(K) Director of the Department of Consumer and Business Services.

(L) Director of the Department of State Lands.

(M) State Librarian.

(N) Administrator of Oregon Liquor Control Commission.

(O) Superintendent of State Police.

(P) Director of the Public Employees Retirement System.

(Q) Director of Department of Revenue.

(R) Director of Transportation.

(S) Public Utility Commissioner.

(T) Director of Veterans' Affairs.

(U) Executive director of Oregon Government Ethics Commission.

(V) Director of the State Department of Energy.

(W) Director and each assistant director of the Oregon State Lottery.

(X) Director of the Department of Corrections.

(Y) Director of the Oregon Department of Aviation.

(Z) Executive director of the Oregon Criminal Justice Commission.

(AA) Director of the Oregon Business Development Department.

(BB) Director of the Office of Emergency Management.

(CC) Director of the Employment Department.

(DD) Chief of staff for the Governor.

(EE) Administrator of the Office for Oregon Health Policy and Research.

(FF) Director of the Housing and Community Services Department.

(GG) State Court Administrator.

(HH) Director of the Department of Land Conservation and Development.

(II) Board chairperson of the Land Use Board of Appeals.

(JJ) State Marine Director.

(KK) Executive director of the Oregon Racing Commission.

(LL) State Parks and Recreation Director.

(MM) Public defense services executive director.

(NN) Chairperson of the Public Employees' Benefit Board.

(OO) Director of the Department of Public Safety Standards and Training.

(PP) Executive director of the Higher Education Coordinating Commission.

(QQ) Executive director of the Oregon Watershed Enhancement Board.

(RR) Director of the Oregon Youth Authority.

(SS) Director of the Oregon Health Authority.

(TT) Deputy Superintendent of Public Instruction.

(i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within the Governor's office.

(j) Every elected city or county official.

(k) Every member of a city or county planning, zoning or development commission.

(L) The chief executive officer of a city or county who performs the duties of manager or principal administrator of the city or county.

(m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.

(n) Every member of a governing body of a metropolitan service district and the auditor and executive officer thereof.

(o) Each member of the board of directors of the State Accident Insurance Fund Corporation.

(p) The chief administrative officer and the financial officer of each common and union high school district, education service district and community college district.

(q) Every member of the following state boards and commissions:

(A) Board of Geologic and Mineral Industries.

(B) Oregon Business Development Commission.

(C) State Board of Education.

(D) Environmental Quality Commission.

(E) Fish and Wildlife Commission of the State of Oregon.

(F) State Board of Forestry.

(G) Oregon Government Ethics Commission.

(H) Oregon Health Policy Board.

(I) Oregon Investment Council.

(J) Land Conservation and Development Commission.

(K) Oregon Liquor Control Commission.

(L) Oregon Short Term Fund Board.

(M) State Marine Board.

(N) Mass transit district boards.

(O) Energy Facility Siting Council.

(P) Board of Commissioners of the Port of Portland.

(Q) Employment Relations Board.

(R) Public Employees Retirement Board.

(S) Oregon Racing Commission.

(T) Oregon Transportation Commission.

(U) Water Resources Commission.

(V) Workers' Compensation Board.

(W) Oregon Facilities Authority.

(X) Oregon State Lottery Commission.

(Y) Pacific Northwest Electric Power and Conservation Planning Council.

(Z) Columbia River Gorge Commission.

(AA) Oregon Health and Science University Board of Directors.

(BB) Capitol Planning Commission.

(CC) Higher Education Coordinating Commission.

(DD) Oregon Growth Board.

(EE) Early Learning Council.

(r) The following officers of the State Treasurer:

(A) Deputy State Treasurer.

(B) Chief of staff for the office of the State Treasurer.

(C) Director of the Investment Division.

(s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725 or 777.915 to 777.953.

(t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.

(u) Every member of a governing board of a public university listed in ORS 352.002.

(v) Every member of the board of directors of an authority created under ORS 465.600 to 465.621.

(2) By April 15 next after the date an appointment takes effect, every appointed public official on a board or commission listed in subsection (1) of this section shall file with the Oregon Government Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

[~~(3) By April 15 next after the filing deadline for the primary election, each candidate described in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.~~]

[~~(4)~~] **(3)** Within 30 days after the filing deadline for the general election, each candidate described in subsection (1) of this section [~~who was not a candidate in the preceding primary election, or~~] who was nominated for public office described in subsection (1) of this section [~~at the preceding primary election by write-in votes,~~] shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

[~~(5)~~] **(4)** Subsections (1) to [~~(4)~~] **(3)** of this section apply only to persons who are incumbent, elected or appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections (1) to [~~(4)~~] **(3)** of this section also apply to persons who do not become candidates until 30 days after the filing deadline for the statewide general election.

[~~(6)~~] **(5)** If a statement required to be filed under this section has not been received by the commission within five days after the date the statement is due, the commission shall notify the public official or candidate and give the public official or candidate not less than 15 days to comply with the requirements of this section. If the public official or candidate fails to comply by the date set by the commission, the commission may impose a civil penalty as provided in ORS 244.350.

**SECTION 123.** ORS 246.560 is amended to read:

246.560. (1) A voting machine may not be approved by the Secretary of State unless the voting machine is constructed so that it:

(a) Secures to the elector secrecy of voting.

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

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

(d) Permits the elector[~~, except at a primary election,~~] to vote for all the candidates of one party or in part for the candidates of one party and in part for the candidates of one or more other parties.

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

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

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

(h) Contains a device that will duplicate the votes cast by each elector onto a paper record copy.

(i) Contains a device that will allow each elector to view the elector's paper record copy while preventing the elector from directly handling the paper record copy.

(2) A vote tally system shall be:

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

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

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

(d) Capable of tallying votes from ballots of different political parties, from the same precinct, in a **presidential**primary election.

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

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

**SECTION 124.** ORS 247.410 is amended to read:

247.410. A person who is qualified to register, except that the person will have resided in this state less than 20 days before the election, may vote in the election for candidates for nomination or election for President or Vice President of the United States or elector of President and Vice President of the United States if the person:

(1) Did not vote for the nomination of such candidates in another state during the six months immediately preceding the person's request for registration to vote for the nomination of such candidates in the **presidential** primary election in this state; or

(2) Did not vote for the election of such candidates in another state during the six months immediately preceding the person's request for registration to vote for the election of such candidates in the general election in this state.

**SECTION 125.** ORS 249.830 is amended to read:

249.830. (1) A person who has been nominated **or endorsed** and has accepted the nomination **or endorsement** under ORS 249.712 may withdraw from the nomination **or endorsement** by filing with the officer with whom the certificate of nomination **or endorsement** was filed a written statement declining the nomination **or endorsement**and stating the reason for withdrawal.

(2) The statement must be:

(a) Signed by the person withdrawing from the nomination **or endorsement**; and

(b) Filed not later than the 67th day before the general election.

(3) The statement may be sent to the Secretary of State through a county clerk, as provided by ORS 249.850.

**SECTION 126.** ORS 261.171 is amended to read:

261.171. (1) Upon its own resolution, the county governing body may, and upon receipt of an electors' petition or resolution of the governing body of a people's utility district or city that the county governing body finds to be in compliance with this chapter shall, at the earliest practical date submit the question of district formation, annexation or consolidation and, if for formation, the question of a special levy[~~,~~] to the electors within the affected territory at a special election. The special election may be held on the same date as a **presidential** primary election or general election.

(2) The notice of the election shall state the purpose of the election, describe in general terms the boundaries of the affected territory and in all other respects comply with the general laws of this state governing the time and manner of holding elections.

(3) The county governing body shall call no more than one election for formation of a district comprising substantially the same area within the same calendar year.

**SECTION 127.** ORS 261.355 is amended to read:

261.355. (1) For the purpose of carrying into effect the powers granted in this chapter, any district may issue and sell revenue bonds, when authorized by a majority of its electors voting at any **presidential** primary election, general election or special election.

(2) All revenue bonds issued and sold under this chapter shall be so conditioned as to be paid solely from that portion of the revenues derived by the district from the sale of water, waterpower and electricity, or any of them, or any other service, commodity or facility which may be produced, used or furnished in connection therewith, remaining after paying from those revenues all expenses of operation and maintenance, including taxes.

(3) Notwithstanding subsection (1) of this section and subject to subsection (4) of this section, any district may, by a duly adopted resolution of its board, issue and sell revenue bonds for the purpose of financing betterments and extensions of the district, including renewable energy facilities or the purchase or sale of electricity, electrical capacity or renewable energy certificates, but the amount of revenue bonds so issued shall be limited to the reasonable value of the betterments and extensions plus an amount not to exceed 10 percent thereof for administrative purposes. Revenue bonds shall not be issued and sold for the purpose of acquiring an initial utility system or acquiring property or facilities owned by another entity that provides electric utility service unless:

(a) The acquisition is a voluntary transaction between the district and the other entity that provides electric utility service; or

(b) The electors within the district have approved issuance of the bonds by a vote.

(4) Not later than the 30th day prior to a board meeting at which adoption of a resolution under subsection (3) of this section will be considered, the district shall:

(a) Provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place of the meeting and of the intent of the board to consider and possibly adopt the resolution; and

(b) Mail to its customers notice of the time and place of the meeting and of the intent of the board to consider and possibly adopt the resolution.

(5) Except as otherwise provided in this section, any authorizing resolution adopted for the purposes of subsection (3) of this section shall provide that electors residing within the district may file a petition with the district asking to have the question of whether to issue such bonds referred to a vote.

(6) If within 60 days after adoption of a resolution under subsection (3) of this section the district receives petitions containing valid signatures of not fewer than five percent of the electors of the district, the question of issuing the bonds shall be placed on the ballot at the next date on which a district election may be held under ORS 255.345 (1).

(7) When petitions containing the number of signatures required under subsection (6) of this section are filed with the district within 60 days after adoption of a resolution under subsection (3) of this section, revenue bonds shall not be sold until the resolution is approved by a majority of the electors of the district voting on the resolution.

(8) Any district issuing revenue bonds may pledge that part of the revenue which the district may derive from its operations as security for payment of principal and interest thereon remaining after payment from such revenues of all expenses of operation and maintenance, including taxes, and consistent with the other provisions of this chapter.

(9) Prior to any district board taking formal action to issue and sell any revenue bonds under this section, the board shall have on file with the secretary of the district a certificate executed by a qualified engineer that the net annual revenues of the district, including the property to be acquired or constructed with the proceeds of the bonds, shall be sufficient to pay the maximum amount that will be due in any one fiscal year for both principal of and interest on both the bonds then proposed to be issued and all bonds of the district then outstanding.

(10) Except as otherwise provided in this section, the district shall order an election for the authorization of revenue bonds to finance the acquisition or construction of an initial utility system, including the replacement value of the unreimbursed investment of an investor owned utility in energy efficiency measures and installations within the proposed district, as early as practicable under ORS 255.345 after filing the certificate required under subsection (9) of this section. An election for the authorization of revenue bonds to finance the acquisition or construction of an initial utility system shall be held no more than twice in any one calendar year for any district. In even-numbered years no election shall be held on any other date than the date of the **presidential** primary election**, if applicable,**or general election.

(11) A district may issue revenue bonds under ORS 287A.150 without an election authorizing the issuance, except that revenue bonds shall not be issued under ORS 287A.150 for the purpose of acquiring an initial utility system or acquiring property or facilities owned by another entity that provides electric utility service unless:

(a) The acquisition is a voluntary transaction between the district and the other entity that provides electric utility service; or

(b) The electors within the district have approved issuance of the bonds by a vote.

**SECTION 128.** ORS 261.360 is amended to read:

261.360. (1) When authorized by a majority of its electors voting at any **presidential** primary election or general election or at a special election, at which special election not less than 25 percent of the electors of the district voted on the question, any district may issue and sell general obligation bonds so conditioned that the district shall therein and thereby unconditionally undertake, promise and agree to pay the same in whole or in part from revenue or from taxes or both.

(2) The general obligation bonds of the district outstanding at any time shall not exceed two and one-half percent (0.025) of the real market value of all taxable property within the limits of the district.

(3) General obligation bonds may be made payable primarily from and secured by a lien on and pledge of the revenues derived by the district from its operations remaining after paying from such revenues all expenses of operation and maintenance, and secondarily from taxes.

**SECTION 129.** ORS 261.710 is amended to read:

261.710. (1) The dissolution election may be called by the board of directors on their own motion or by a petition filed with the directors of the district, signed by electors of the district equal in number to not less than three percent of the total number of votes cast for all candidates for Governor in the district at the most recent election at which a candidate for Governor was elected to a full term, requesting the directors of the district to submit to the electors of the district the proposition of dissolving the district and settling its affairs.

(2) The petition shall be referred to the county clerk of each county wherein the district or any part thereof is located. The county clerk of each of such counties shall examine the purported signatures on the petition of electors of the county and shall certify as to the regularity and sufficiency thereof. Where the district is located in more than one county, the certificate of the county clerk of each county as to the regularity of the signatures on the petition shall be filed with the Secretary of State, who shall accept the certificates by the county clerks as to the regularity of the signatures, and based thereon, shall certify as to the sufficiency of all signatures on the petition. Whenever a dissolution petition has been certified as sufficient, the certificate of sufficiency with copy of the petition shall be transmitted to the directors of the district, who shall immediately call an election to be held concurrently with a **presidential** primary election or general election.

(3) If a majority of the electors of the district, voting at the election, votes in favor of dissolution, the directors shall issue their proclamation dissolving the district and shall file the proclamation in the office of the county clerk of the county wherein the district is located.

(4) The district shall thereafter continue to exist solely for the purpose of settling its affairs as provided in ORS 261.715 to 261.730.

**SECTION 130.** ORS 267.208 is amended to read:

267.208. (1) An alteration of the boundaries of a district under ORS 267.207 or 267.250 to 267.263 shall not become effective during the period:

(a) Beginning after the 90th day before a **presidential**primary election or general election and ending on the day after the election; or

(b) Beginning after the deadline for filing the notice of election before any other election held by the district and ending on the day after the election.

(2) If the effective date established for the alteration of the boundaries is a date that is prohibited under this section, the alteration shall become effective on the day after the election.

(3) For the purposes of ORS 308.225 only, the effective date of an alteration of district boundaries shall be the date on which the board adopts the ordinance altering the boundaries or, if such an ordinance is initiated or referred, the date on which the ordinance is approved by the electors as provided in ORS 267.207.

(4) For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225.

**SECTION 131.** ORS 268.710 is amended to read:

268.710. (1) The electors of any metropolitan service district, by majority vote of such electors voting thereon at any legally called election, may adopt, amend, revise or repeal a charter for the district. The charter, or legislation passed by the district pursuant thereto, shall provide a method whereby the electors of the district, by majority vote of such electors voting thereon at any legally called election, may amend, revise or repeal the charter.

(2) Provisions of a district charter and district legislation that relate to the amendment, revision or repeal of a district charter are matters of metropolitan concern and shall prevail over conflicting provisions of state law that are first effective after January 1, 1999, unless such law specifically provides otherwise. After January 1, 1997, no person may commence or maintain an action to challenge the validity of a district charter existing and effective on January 1, 1997, on the basis of inconsistency or conflict between the district charter and ORS 268.030, 268.300, 268.310, 268.317, 268.318, 268.320, 268.330, 268.340, 268.345, 268.357, 268.360, 268.370, 268.500, 268.505, 268.507, 268.520, 268.525, 268.530, 268.590, 268.600 to 268.660 and 268.990. To the extent that provisions of a district charter limit the exercise of a power granted by the statutes listed in this subsection, the provisions of the district charter shall be given full force and effect. In addition to any authority expressly granted to a metropolitan service district by the Legislative Assembly, a district charter is an independent grant of authority by the affected electorate pursuant to section 1 (5), Article IV and section 2, Article XI of the Oregon Constitution.

(3) A charter of a metropolitan service district shall prescribe the organization of the district government and shall provide directly, or by its authority, for the number, election or appointment, qualifications, tenure, compensation, powers and duties of such officers as the district considers necessary. Such officers shall among them exercise all the powers and perform all the duties, as granted to, imposed upon or distributed among district officers by the Constitution or laws of this state, by the district charter or by its authority.

(4) Any reference to the executive officer of a metropolitan service district in statutes of this state relating to elections or government ethics shall be construed to include any district officer who serves in an elective office and performs executive functions. Any reference in a district charter to a district court judge may be construed as referring to a judge of the circuit court.

(5) As used in this section, <<legally called election>> means an election held on the same date as a **presidential** primary election or general election held throughout this state.

(6) Consistent with ORS 197.013, the land use planning authority granted to a district under ORS chapter 268 is a matter of statewide concern. Provisions of a district charter and implementing ordinances adopted and effective on January 1, 1997, that establish procedural requirements relating to the exercise of land use planning authority of the district, including but not limited to requirements for local government advisory committees, are supplementary to ORS 268.380, 268.385, 268.390 and ORS chapter 197. After January 1, 1997, no person may commence or maintain an action to challenge the validity of such district charter provisions or implementing ordinances on the basis of inconsistency or conflict with the procedural requirements of ORS 268.380, 268.385 or 268.390 or the procedural requirements of ORS chapter 197 existing on January 1, 1997.

(7) If a district charter is repealed, the provisions of the charter providing for district officers, their powers and duties and the election of such officers shall continue in effect until the Legislative Assembly provides by law for the restructuring or dissolution of the district.

**SECTION 132.** ORS 316.102 is amended to read:

316.102. (1) A credit against taxes shall be allowed for voluntary contributions in money made in the taxable year:

(a) To a major political party qualified under ORS 248.006 or to a committee thereof or to a minor political party qualified under ORS 248.008 or to a committee thereof.

(b) To or for the use of a person who must be a candidate for nomination or election to a federal, state or local elective office in any **presidential** primary election, general election or special election in this state. The person must, in the calendar year in which the contribution is made, either be listed on a **presidential** primary election, general election or special election ballot in this state or have filed in this state one of the following:

(A) A prospective petition;

(B) A declaration of candidacy;

(C) A certificate of nomination; or

(D) A designation of a principal campaign committee.

(c) To a political committee, as defined in ORS 260.005, if the political committee has certified the name of its treasurer to the filing officer, as defined in ORS 260.005, in the manner provided in ORS chapter 260.

(2) The credit allowed by subsection (1) of this section shall be the lesser of:

(a) The total contribution, not to exceed $100 on a joint return or $50 on any other type of return; or

(b) The tax liability of the taxpayer.

(3) A taxpayer may not claim the credit allowed under this section if the taxpayer has federal adjusted gross income in excess of $200,000 on a joint return or $100,000 on any other type of return.

(4) The claim for tax credit shall be substantiated by submission, with the tax return, of official receipts of the candidate, agent, political party or committee thereof or political committee to whom contribution was made.

**SECTION 133.** ORS 341.085 is amended to read:

341.085. (1) An election for the purpose of presenting the question of formation of a district and establishing a permanent rate limit for operating taxes and the boundaries of the zones, if the zones were recommended by the Higher Education Coordinating Commission, shall be held to submit the question to the electors registered in the proposed district designated in the recommendation of the commission. The election shall be held not sooner than the 90th day after the effective date of the appropriation required by ORS 341.102. The election date shall be uniform throughout the proposed district, and shall be set by the commission on a date specified in ORS 255.345. However, if the question of establishing a permanent rate limit for operating taxes is to be submitted, the election must be held on the same date as the next **presidential** primary election or the next general election, as determined by the commission.

(2) ORS chapter 255 and ORS 250.035 and 250.036 govern the notice and conduct of an election under this section. The commission shall be the district elections authority for an election conducted under this section. Notwithstanding ORS 255.305, the commission shall pay the expenses incurred for the election.

(3) An elector registered in a precinct or in the portion of a precinct which is located within the boundaries of the proposed district may vote on any matter arising at the election under subsection (1) of this section.

**SECTION 134.** ORS 358.375 is amended to read:

358.375. (1) In the case of a city museum, and when authorized by the electors of the city voting at a **presidential**primary election or general election, the governing body may issue general obligation or revenue bonds of the city for the purpose of providing all or part of the funds necessary to acquire a museum site or sites and to construct the museum.

(2) In the case of a joint city museum, and when authorized by the electors of the two or more cities voting at a **presidential**primary election or general election, each city council of the two or more respective cities may issue general obligation bonds or revenue bonds of each of the two or more respective cities for the purpose of providing such portion of the funds necessary to acquire a museum site or sites and to construct the museum as is determined by the governing body.

**SECTION 135.** ORS 607.025 is amended to read:

607.025. When, at the request of the petitioners, the election is to be held on a day other than one on which a**presidential** primary election or general election is scheduled to be held, and if the request is approved by the county court or board of county commissioners, one or more of the petitioners shall deposit money with the county clerk in an amount to be fixed by the county court or board of county commissioners, which shall be a sum deemed by it sufficient to defray the probable expenses of the special election. Until the money is deposited, the county clerk shall neither take action nor incur expense in connection with the special election. If the amount deposited exceeds the total expenses of the election, as ascertained by the county clerk and certified by the county clerk to the county court or board of county commissioners, the excess shall be returned to the petitioner or petitioners who deposited the money.

**SECTION 136.** ORS 777.326 is amended to read:

777.326. (1) This section applies when an annexation would increase the area of a port by one-half or more, or would increase the assessed value of taxable property within a port by one-half or more. An annexation proposal subject to this section, if approved by the county board, shall be submitted to the electors at an election [~~which~~] **that** shall be held at the same time as a**presidential** primary election or general election.

(2) When the county board orders an election on the annexation proposal, the board shall adopt an order dividing or redividing the area of the port, including the territory annexed, into five subdistricts. The boundaries of the subdistricts shall be determined in accordance with ORS 777.155 and shall be described in the order calling the election on the proposed annexation.

(3) At the first regular district election following the effective date of the annexation, one commissioner from each of the five subdistricts established under subsection (2) of this section shall be elected. The terms of the incumbent commissioners shall terminate and the terms of the commissioners elected under this subsection shall commence as provided in ORS 777.160.

(4) If the annexation is approved, the order proclaiming the annexation shall also describe the boundaries of the subdistricts established as provided by subsection (2) of this section.

**SECTION 137.** Section 3, chapter 600, Oregon Laws 2013, is amended to read:

**Sec. 3.** (1) To obtain a racial and ethnic impact statement described in this section, one member of the Legislative Assembly from each major political party must sign a written request. Upon receipt of the written request, the Oregon Criminal Justice Commission shall prepare a racial and ethnic impact statement that describes the effects of a state measure on the racial and ethnic composition of:

(a) The criminal offender population, as defined in section 1**, chapter 600, Oregon Laws 2013** [~~of this 2013 Act~~]; or

(b) Recipients of human services, as defined in section 1**, chapter 600, Oregon Laws 2013** [~~of this 2013 Act~~].

(2) The statement must be impartial, simple and understandable and must include the information described in section 1 (3)**, chapter 600, Oregon Laws 2013** [~~of this 2013 Act~~].

(3) If the commission has prepared a racial and ethnic impact statement for a state measure, not later than the 99th day before a special election held on the date of a **presidential** primary election or any general election at which the state measure is to be submitted to the people, the commission shall file the statement with the Secretary of State.

(4) Not later than the 95th day before the election, the Secretary of State shall hold a hearing in Salem upon reasonable statewide notice to receive suggestions for changes to the statement or to receive other information. At the hearing, any person may submit suggested changes or other information orally or in writing. Written suggestions and any other information also may be submitted at any time before the hearing.

(5) The commission shall consider suggestions and any other information submitted under subsection (4) of this section and may file a revised statement with the Secretary of State not later than the 90th day before the election at which the measure is to be voted upon.

(6) The Secretary of State shall certify the statement not later than the 90th day before the election at which the measure is to be voted upon.

(7) All statements prepared under this section shall be made available to the public.

(8) A failure to prepare, file or certify a statement does not prevent inclusion of the measure in the voters' pamphlet.

**SECTION 138.** Section 1, chapter 114, Oregon Laws 2016, is amended to read:

**Sec. 1.** (1) As used in this section, <<school of higher education>> means:

(a) A public university listed in ORS 352.002.

(b) A community college, as defined in ORS 341.005.

(2)(a) The Secretary of State shall ensure that within four miles of the main campus of each school of higher education there is at least one location designated as an official ballot drop site under ORS 254.470.

(b) The requirement set forth in paragraph (a) of this subsection applies only to elections held within the electoral district in which the main campus of a school of higher education is located.

(3) Each school of higher education shall:

(a) Display a direct link to the Secretary of State's online voter registration tool on the school's Internet website or on any appropriate student-focused digital communication network managed by the school.

(b) Upon the request of the school's official student government or its equivalent, give the student government or its equivalent an opportunity to provide nonpartisan voter registration services:

(A) As part of student orientation programs held by the school's administration;

(B) As part of campus welcome events that occur before classes begin each academic term; and

(C) As part of residence life program activities.

(c) Upon the request of the school's official student government or its equivalent, provide the student government or its equivalent with an official class schedule and a list of professional contact information for school faculty, which may be used for the purpose of seeking faculty approval for the student government or its equivalent to provide nonpartisan voter registration classroom presentations.

(d) Provide individual students and student groups the opportunity to provide nonpartisan voter registration services throughout the academic term in any nonreserved public space on the school's property, provided that the nonpartisan voter registration services conform to the rules of conduct and rules for reserving space at the school. This paragraph applies only to students enrolled at the school and does not alter in any way the rights of a person who is not enrolled as a student at the school.

(e) If the school owns and operates any student housing, at least three months prior to each **presidential** primary or general election:

(A) Obtain from the local county elections office what address information students living in on-campus housing must provide in order to receive election ballots in the event a student chooses to vote using the student's campus address; and

(B) Make the information obtained under subparagraph (A) of this paragraph available to the school's official student government or its equivalent.

**SECTION 139.** **ORS 249.023, 249.046, 249.048, 249.068, 249.088, 249.091, 254.025 and 254.076 are repealed.**

**SECTION 140.** **Sections 8, 15 and 16 of this 2017 Act, the amendments to statutes and session laws by sections 1 to 6, 9 to 13 and 17 to 138 of this 2017 Act and the repeal of statutes by section 139 of this 2017 Act apply to elections, nominations and endorsements occurring on or after January 1, 2020.**

**SECTION 141.** **(1) Sections 8, 15 and 16 of this 2017 Act, the amendments to statutes and session laws by sections 1 to 6, 9 to 13 and 17 to 138 of this 2017 Act and the repeal of statutes by section 139 of this 2017 Act become operative on January 1, 2020.**

**(2) The Secretary of State and county clerks may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the Secretary of State and county clerks to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the Secretary of State and county clerks by sections 8, 15 and 16 of this 2017 Act, the amendments to statutes and session laws by sections 1 to 6, 9 to 13 and 17 to 138 of this 2017 Act and the repeal of statutes by section 139 of this 2017 Act.**

**SECTION 142.** **This 2017 Act shall be submitted to the people for their approval or rejection at the next regular general election held throughout this state.**