

House Bill 3297

Sponsored by Representative BUCKLEY; Representative SMITH WARNER

SUMMARY

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

Requires that general or special election ballots list name of candidate for partisan office for each nomination candidate receives, with name of each political party that nominated candidate printed opposite one of listings of candidate's name. Allows candidate to decline to be listed as nominee of political party.

Specifies that votes cast for candidate of affiliation of electors or minor political party on ballot line marked for that affiliation or party count toward vote requirement for minor political party formation or maintenance of minor political party status.

Specifies that multiple votes for candidate on same ballot for same office count as vote for candidate with major political party designation.

A BILL FOR AN ACT

1
2 Relating to ballots; amending ORS 248.008, 254.135 and 254.505.

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

4 **SECTION 1.** ORS 254.135, as amended by section 2, chapter 67, Oregon Laws 2014, and section
5 2, chapter 112, Oregon Laws 2014, is amended to read:

6 254.135. (1) The official general or special election ballot shall be styled "Official Ballot" and
7 shall state:

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

9 (b) The date of the election.

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11 been made and accepted and who have not died, withdrawn or become disqualified.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

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

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

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

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

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

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

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

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

10 *[(E) For a candidate who is nominated only by a political party of which the candidate is a mem-*
 11 *ber, the name of the political party of which the candidate is a member shall be printed with the name*
 12 *of the candidate; and]*

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

17 *[(b) If a candidate is required to select the name of a political party to be printed on the ballot*
 18 *under paragraph (a) of this subsection, the candidate shall notify the filing officer of the selection not*
 19 *later than the 61st day before the day of the election.]*

20 **(3)(a) The name of each candidate nominated for an office other than a nonpartisan office**
 21 **shall be printed upon the ballot in one place for each nomination the candidate has received.**
 22 **The name of each political party that nominated the candidate shall be added opposite one**
 23 **of the printings of the name of the candidate.**

24 **(b) The name of each candidate for a nonpartisan office shall be printed upon the ballot**
 25 **in but one place, except where a candidate may successfully hold more than one office or**
 26 **nomination without violating ORS 249.013. The name of a candidate nominated for more than**
 27 **one district office that is to be filled at the same election shall be separately printed upon**
 28 **the ballot for each district office for which the candidate is nominated.**

29 **(c) If a candidate for an office other than a nonpartisan office does not wish to be iden-**
 30 **tified on the ballot as the nominee of a specific political party, the candidate must notify the**
 31 **filing officer of this decision not later than the 63rd day before the date of the election. If**
 32 **the candidate notifies the filing officer under this paragraph, the filing officer may not add**
 33 **the name of that political party opposite the name of the candidate on the ballot. The name**
 34 **of a candidate may appear on the ballot without being identified as the nominee of a political**
 35 **party only if the candidate is nonaffiliated.**

36 *[(c)] (4) The word “incumbent” shall be printed with the name of each candidate for the Supreme*
 37 *Court, Court of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the*
 38 *Secretary of State under ORS 254.085.*

39 *[(d)] (5) The word “nonaffiliated” shall be printed with the name of each candidate who is not*
 40 *affiliated with a political party and who is nominated by an assembly of electors or individual*
 41 *electors.*

42 *[(e)] (6) If two or more candidates for the same office have the same or similar surnames, the*
 43 *location of their places of residence shall be printed with their names to distinguish one from an-*
 44 *other.*

45 *[(4) Notwithstanding subsection (3)(a) of this section, the name of a candidate nominated for more*

1 *than one district office that is to be filled at the same election shall be separately printed upon the*
 2 *ballot for each district office for which the candidate is nominated.]*

3 **SECTION 2.** ORS 248.008 is amended to read:

4 248.008. (1) An affiliation of electors becomes a minor political party in the state, a county or
 5 other electoral district, qualified to make nominations for public office in that electoral district and
 6 in any other electoral district wholly contained within the electoral district, when the affiliation of
 7 electors has acted as described in either paragraph (a) or (b) of this subsection:

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

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

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

21 (i) Any person is being paid for obtaining signatures, when the statement included with the
 22 prospective petition declared that no person would be paid for obtaining signatures of electors.

23 (ii) No person is being paid for obtaining signatures, when the statement included with the
 24 prospective petition declared that one or more persons would be paid for obtaining signatures of
 25 electors.

26 (D) The circulator shall certify on each signature sheet that the circulator witnessed the signing
 27 of the signature sheet by each individual whose signature appears on the signature sheet and that
 28 the circulator believes each individual is an elector registered in the electoral district.

29 (E) The Secretary of State shall verify whether the petition contains the required number of
 30 signatures of electors. The Secretary of State may not accept a petition for filing if it contains less
 31 than 100 percent of the required number of signatures. The Secretary of State by rule shall desig-
 32 nate a statistical sampling technique to verify whether a petition contains the required number of
 33 signatures of electors. A petition may not be rejected for the reason that it contains less than the
 34 required number of signatures unless two separate sampling processes both establish that the peti-
 35 tion lacks the required number of signatures. The second sampling must contain a larger number
 36 of signatures than the first sampling. The Secretary of State may employ professional assistance to
 37 determine the sampling technique. The statistical sampling technique may be the same as that
 38 adopted under ORS 250.105.

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

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

44 (B) Any single state office to be voted upon in the state at large for which nominations by pol-
 45 itical parties are permitted by law at the most recent election at which a candidate for the office

1 was elected to a full term.

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

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

7 (4) In order to maintain status as a minor political party for a subsequent general election:

8 (a) Following each general election, at any time during the period beginning on the date of the
 9 next primary election and ending on the 90th day before the next general election, a number of
 10 electors equal to at least one-half of one percent of the total number of registered electors in this
 11 state must be registered as members of the party; or

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

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

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

21 (ii) Any single state office to be voted upon in the state at large for which nominations by pol-
 22 itical parties are permitted by law at the most recent election at which a candidate for the office
 23 was elected to a full term.

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

26 (6) During the period beginning on the date of the primary election and ending on the 90th day
 27 before the date of the general election, the Secretary of State shall determine at least once each
 28 month whether registration requirements to maintain status as a minor political party have been
 29 satisfied.

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

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

36 **(8) For purposes of satisfying the one percent requirement referred to in subsection (1)(b)**
 37 **or (4)(b)(B) of this section, only votes cast for a candidate of an affiliation of electors or a**
 38 **minor political party on the ballot line marked under ORS 254.135 for that affiliation or pol-**
 39 **itical party name shall be counted.**

40 (9) For purposes of this section, “subsequent general election” means any general election that
 41 is held after the first general election following qualification as a minor political party under sub-
 42 section (1) of this section.

43 **SECTION 3.** ORS 254.505 is amended to read:

44 254.505. (1) Only official ballots may be counted. Any vote from which it is impossible to deter-
 45 mine the elector’s choice for the office or measure may not be counted. An elector may not place

1 on the ballot a sticker bearing the name of a person or use any other method or device, except
2 writing or using a voting machine, to vote for a person whose name is not printed on the ballot.
3 Any ballot that has a sticker or other device is void and may not be counted. Counting board clerks
4 shall disregard misspelling or abbreviations of the names of candidates if it can be ascertained from
5 the ballot for whom the vote was intended.

6 **(2) If an elector votes for a candidate more than once on the same ballot for the same**
7 **office by voting for the candidate opposite multiple, different political party affiliations, the**
8 **ballot shall be counted as if the elector voted for the candidate only once on a ballot line with**
9 **a major political party designation.**

10 [(2)] (3) When ballots are counted by counting boards, the board chairperson, using ink, imme-
11 diately shall initial the back of the wholly or partially void ballot and write on it “Not counted
12 for _____” (stating the office or measure). The counting board shall seal the wholly void ballots
13 in an envelope.

14 _____