

D R A F T

SUMMARY

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.

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 is amended to read:

5 254.135. (1) The official general or special election ballot shall be styled
6 "Official Ballot" and shall state:

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

8 (b) The date of the election.

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11 withdrawn or become disqualified.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

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

15 (2) The names of candidates for President and Vice President of the
16 United States shall be printed in groups together, under their political party

1 designations. The names of the electors may not be printed on the general
2 election ballot. A vote for the candidates for President and Vice President
3 is a vote for the group of presidential electors supporting those candidates
4 and selected as provided by law. The general election ballot shall state that
5 electors of President and Vice President are being elected and that a vote
6 for the candidates for President and Vice President shall be a vote for the
7 electors supporting those candidates.

8 *[(3)(a) The name of each candidate nominated shall be printed upon the*
9 *ballot in but one place, without regard to how many times the candidate may*
10 *have been nominated. The name of a political party shall be added opposite the*
11 *name of a candidate for other than nonpartisan office according to the fol-*
12 *lowing rules:]*

13 *[(A) For a candidate not affiliated with a political party who is nominated*
14 *by a minor political party, the name of the minor political party shall be added*
15 *opposite the name of the candidate;]*

16 *[(B) For a candidate not affiliated with a political party who is nominated*
17 *by more than one minor political party, the name of the minor political party*
18 *selected by the candidate shall be added opposite the name of the candidate;]*

19 *[(C) For a candidate who is a member of a political party who is nominated*
20 *by a political party of which the candidate is not a member, the name of the*
21 *political party that nominated the candidate shall be added opposite the name*
22 *of the candidate;]*

23 *[(D) For a candidate who is a member of a political party who is nominated*
24 *by more than one political party of which the candidate is not a member, the*
25 *name of the political party selected by the candidate shall be added opposite*
26 *the name of the candidate; and]*

27 *[(E) For a candidate who is nominated by a political party of which the*
28 *candidate is a member, the name of the political party of which the candidate*
29 *is a member shall be added opposite the name of the candidate.]*

30 *[(b) If a candidate is required to select the name of a political party to be*
31 *added on the ballot under paragraph (a) of this subsection, the candidate shall*

1 *notify the filing officer of the selection not later than the 61st day before the*
2 *day of the election.]*

3 **(3)(a) The name of each candidate nominated for other than non-**
4 **partisan office shall be printed upon the ballot in one place for each**
5 **nomination the candidate has received. The name of each political**
6 **party that nominated the candidate shall be added opposite one of the**
7 **printings of the name of the candidate.**

8 **(b) The name of each candidate for nonpartisan office shall be**
9 **printed upon the ballot in but one place.**

10 **(c) If a candidate for other than nonpartisan office does not wish**
11 **to be identified on the ballot as the nominee of a specific political**
12 **party, the candidate must notify the filing officer of this decision not**
13 **later than the 61st day before the day of the election. If the candidate**
14 **notifies the filing officer under this paragraph, the filing officer may**
15 **not add the name of that political party opposite the name of the**
16 **candidate on the ballot.**

17 *[(c)]* **(4) The word “incumbent” shall follow the name of each candidate**
18 **for the Supreme Court, Court of Appeals, Oregon Tax Court or circuit court**
19 **who is designated the incumbent by the Secretary of State under ORS**
20 **254.085.**

21 *[(d)]* **(5) The word “nonaffiliated” shall follow the name of each candidate**
22 **who is not affiliated with a political party and who is nominated by an as-**
23 **sembly of electors or individual electors.**

24 *[(e)]* **(6) If two or more candidates for the same office have the same or**
25 **similar surnames, the location of their places of residence shall be printed**
26 **opposite their names to distinguish one from another.**

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

28 248.008. (1) An affiliation of electors becomes a minor political party in
29 the state, a county or other electoral district, qualified to make nominations
30 for public office in that electoral district and in any other electoral district
31 wholly contained within the electoral district, when either of the following

1 events occurs:

2 (a) When the affiliation of electors has filed with the Secretary of State
3 a petition with the signatures of at least a number of electors equal to one
4 and one-half percent of the total votes cast in the electoral district for all
5 candidates for Governor at the most recent election at which a candidate for
6 Governor was elected to a full term. The petition also shall state the inten-
7 tion to form a new political party and give the designation of it. The filed
8 petition shall contain only original signatures. The petition shall be filed not
9 later than two years following the date the prospective petition is filed. The
10 circulator shall certify on each signature sheet that the circulator witnessed
11 the signing of the signature sheet by each individual whose signature ap-
12 pears on the signature sheet and that the circulator believes each individual
13 is an elector registered in the electoral district. The Secretary of State shall
14 verify whether the petition contains the required number of signatures of
15 electors. The petition shall not be accepted for filing if it contains less than
16 100 percent of the required number of signatures. The Secretary of State by
17 rule shall designate a statistical sampling technique to verify whether a pe-
18 tition contains the required number of signatures of electors. A petition shall
19 not be rejected for the reason that it contains less than the required number
20 of signatures unless two separate sampling processes both establish that the
21 petition lacks the required number of signatures. The second sampling must
22 contain a larger number of signatures than the first sampling. The Secretary
23 of State may employ professional assistance to determine the sampling tech-
24 nique. The statistical sampling technique may be the same as that adopted
25 under ORS 250.105. Before circulating the petition, the chief sponsor of the
26 petition shall file with the Secretary of State a signed copy of the prospec-
27 tive petition. The chief sponsor shall include with the prospective petition
28 a statement declaring whether one or more persons will be paid money or
29 other valuable consideration for obtaining signatures of electors on the pe-
30 tition. After the prospective petition is filed, the chief sponsor shall notify
31 the filing officer not later than the 10th day after the chief sponsor first has

1 knowledge or should have had knowledge that:

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

5 (B) No person is being paid for obtaining signatures, when the statement
6 included with the prospective petition declared that one or more such per-
7 sons would be paid.

8 (b) When the affiliation of electors has polled for any one of its candi-
9 dates for any public office in the electoral district at least one percent of the
10 total votes cast in the electoral district for all candidates for:

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

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

17 (2) After satisfying either requirement of subsection (1) of this section,
18 the minor political party may nominate candidates at the next general
19 election if at any time during the period beginning on the date of the next
20 primary election and ending on the 90th day before the next general election,
21 a number of electors equal to at least one-tenth of one percent of the total
22 votes cast in the state or electoral district for all candidates for Governor
23 at the most recent election at which a candidate for Governor was elected
24 to a full term are registered as members of the party.

25 (3) A filing officer shall not accept a certificate of nomination of a can-
26 didate nominated by a minor political party unless the minor political party
27 has satisfied the registration requirement of subsection (2) of this section.

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

30 (a) A candidate or candidates of the party must poll a number of votes
31 described in subsection (1)(b) of this section at each subsequent general

1 election and following each general election, the registration requirement
 2 of subsection (2) of this section must be satisfied; or

3 (b) Following each general election, at any time during the period begin-
 4 ning on the date of the next primary election and ending on the 90th day
 5 before the next general election, a number of electors equal to at least one-
 6 half of one percent of the total number of registered electors in this state
 7 must be registered as members of the party.

8 (5) An affiliation of electors ceases to be a minor political party in the
 9 state or electoral district if:

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

13 (b) Except as provided in subsection (4)(b) of this section, in the case of
 14 a minor political party qualified to nominate candidates, a candidate or
 15 candidates of the minor political party do not satisfy the one percent re-
 16 quirement specified in subsection (1)(b) of this section at the next general
 17 election. The affiliation of electors ceases to be a minor political party on
 18 the date of the election.

19 (6) During the period beginning on the date of the primary election and
 20 ending on the 90th day before the date of the general election, the Secretary
 21 of State shall determine not less than once each month whether the regis-
 22 tration requirement of subsection (2) or (4)(b) of this section has been satis-
 23 fied. If the party changes its name, only those electors who register on or
 24 after the effective date of the name change as members of the party under
 25 the new party name shall be counted as members of the party under this
 26 subsection.

27 *[(7) An affiliation of electors or a minor political party may not satisfy the*
 28 *one percent requirement referred to in subsection (1)(b) of this section by*
 29 *nominating a candidate who is the nominee of another political party at the*
 30 *same election.]*

31 **(7) For purposes of satisfying the one percent requirement referred**

1 **to in subsection (1)(b) of this section, only votes cast for a candidate**
2 **of an affiliation of electors or a minor political party on the ballot line**
3 **marked under ORS 254.135 for that affiliation or political party name**
4 **shall be counted.**

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

6 254.505. (1) Only official ballots may be counted. Any vote from which it
7 is impossible to determine the elector's choice for the office or measure may
8 not be counted. An elector may not place on the ballot a sticker bearing the
9 name of a person or use any other method or device, except writing or using
10 a voting machine, to vote for a person whose name is not printed on the
11 ballot. Any ballot that has a sticker or other device is void and may not be
12 counted. Counting board clerks shall disregard misspelling or abbreviations
13 of the names of candidates if it can be ascertained from the ballot for whom
14 the vote was intended.

15 **(2) If an elector votes for a candidate more than once on the same**
16 **ballot for the same office by voting for the candidate opposite multi-**
17 **ple, different political party affiliations, the ballot shall be counted as**
18 **if the elector voted for the candidate only once on a ballot line with**
19 **a major political party designation.**

20 [(2)] **(3)** When ballots are counted by counting boards, the board chair-
21 person, using ink, immediately shall initial the back of the wholly or par-
22 tially void ballot and write on it "Not counted for _____" (stating the
23 office or measure). The counting board shall seal the wholly void ballots in
24 an envelope.

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