

Enrolled Senate Bill 229

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Secretary of State Jeanne P. Atkins)

CHAPTER

AN ACT

Relating to elections; creating new provisions; amending ORS 204.020, 246.021, 247.420, 248.006, 248.007, 249.002, 249.005, 249.008, 249.064, 249.078, 249.735, 249.740, 249.865, 250.052, 250.065, 250.067, 250.075, 250.141, 250.175, 250.185, 250.275, 250.285, 251.065, 251.115, 251.255, 253.575, 254.115, 254.135, 254.431, 254.470, 254.515, 254.529, 254.565, 255.085, 255.145, 255.295, 260.043, 260.054, 260.055, 260.057, 260.078, 260.118, 260.232, 260.241, 260.407 and 260.715; repealing ORS 247.435; and declaring an emergency.

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

SECTION 1. ORS 204.020 is amended to read:

204.020. (1) The term of office of each officer elected pursuant to ORS 204.005 commences on the first Monday of January next following election to office.

(2) Before entering upon any elective office listed in ORS 204.005, the person [elected] **who has received a certificate of election** must qualify by filing with the county clerk of the county in which the person is elected the person's [certificate of election, with an] oath of office, [indorsed thereon, and] subscribed by the [elected] person, to the effect that the person will support the Constitution of the United States and of this state, and faithfully carry out the office being assumed. The person shall also give and file the undertaking provided for under subsection (3) of this section.

(3) A county governing body may require, by ordinance, for the filing by each officer under ORS 204.005, prior to that officer assuming office, of an official undertaking with such surety as the governing body determines necessary or of an irrevocable letter of credit issued by an insured institution, as defined in ORS 706.008, in either case in a reasonable amount with the county governing body.

SECTION 2. 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 **or electronic mail**. If an election document is required to be filed by a specified time, the entire document must be received [in] at the office of the filing officer not later than 5 p.m. of the day the document is due or, if the day due is a Saturday, Sunday or holiday, on the next business day.

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

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

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

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

SECTION 3. ORS 247.420 is amended to read:

247.420. (1) A county clerk shall give a ballot marked "[*Presidential*] **Federal** only" to any person eligible under ORS 247.410 who personally appears in the office of the county clerk, completes a registration card and verifies eligibility to vote under ORS 247.410.

(2) No person shall supply any information under subsection (1) of this section, knowing it to be false.

SECTION 4. ORS 254.515 is amended to read:

254.515. Ballots marked "[*Presidential*] **Federal** only" may be counted only for the offices for which the elector is entitled to vote. Votes on the ballot for other offices may not be counted.

SECTION 5. 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] **271st** day before the date of the primary 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]* **between the 271st and the 277th** day before the third Tuesday in May 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 6. ORS 248.006 is amended to read:

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

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

(5) When an affiliation of electors has not satisfied the registration requirement of subsection (1) of this section for the first time, at the request of a representative of the affiliation of electors, the Secretary of State shall determine not less than once each month whether at least five percent of the number of eligible electors registered in this state 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]* **271st** day before each primary election whether the major political party has satisfied the registration requirements described in subsection (3) of this section.

NOTE: Sections 7 through 13 were deleted by amendment. Subsequent sections were not renumbered.

SECTION 14. ORS 250.052 is amended to read:

250.052. (1)(a) For each state initiative, referendum or recall petition, the Secretary of State shall prepare official templates of the cover and signature sheets for the petition. Except as provided in this section, templates of cover and signature sheets for state initiative and referendum petitions are subject to the requirements of ORS 250.045. The templates of signature sheets to be used by persons who are being paid to obtain signatures on the petition shall be a different color from the sheets to be used by persons who are not being paid to obtain signatures on the petition.

(b) For each prospective petition for a state measure to be initiated the secretary shall prepare official templates of the cover and signature sheets. The templates of signature sheets to be used by persons who are being paid to obtain signatures on the prospective petition shall be a different color from the sheets to be used by persons who are not being paid to obtain signatures on the prospective petition. Each signature sheet for the prospective petition shall:

(A) Contain a notice describing the meaning of the color of the signature sheet; and

(B) If one or more persons will be paid for obtaining signatures of electors on the prospective petition, contain a notice stating: "Some Circulators For This Prospective Petition Are Being Paid." The notice shall be in boldfaced type and shall be prominently displayed on the sheet.

(2) A person obtaining signatures on a state initiative, referendum or recall petition or a prospective petition for a state measure to be initiated may use only the cover and signature sheets contained in the official templates prepared for the petition or prospective petition. A person who is being paid to obtain signatures on the petition or prospective petition shall use the signature sheet template designated for use by persons being paid to obtain signatures. A person who is not being paid to obtain signatures on the petition or prospective petition shall use the signature sheet template designated for use by persons who are not being paid to obtain signatures.

(3) The secretary shall issue templates for a petition or prospective petition only to a chief petitioner of the petition or prospective petition or to an agent designated by a chief petitioner.

(4) The secretary shall issue official templates to a chief petitioner or designated agent not later than:

(a) Three business days after the deadline for filing a petition under ORS 250.085 relating to a ballot title certified by the Attorney General for the state initiative petition or, if a petition is filed with the Supreme Court under ORS 250.085, three business days after the Supreme Court certifies to the secretary [*of State*] a ballot title for the state initiative petition;

(b) Three business days after a prospective petition is filed under ORS 249.865 or 250.045 for a state recall petition or state referendum petition; or

(c) Three business days after the chief petitioner files a statement with the secretary under ORS 250.045 (2) for a prospective petition for a state measure to be initiated.

(5) [*Not later than five business days after the deadline for the secretary to issue templates under subsection (4) of this section,*] **The secretary by rule shall establish a process by which** a chief petitioner of a state initiative, referendum or recall petition or a prospective petition for a state measure to be initiated [*may submit to the secretary a written*] **may** request [*for*] **a** modification of the templates **issued under subsection (4) of this section.** [*The secretary shall approve or disapprove the request not later than five business days after receiving the request. If the secretary disapproves the request, the secretary shall advise the chief petitioner in writing of the reasons for the disapproval.*]

(6) In addition to the templates prepared under subsections (1) to (5) of this section, for each state initiative, referendum or recall petition **or prospective petition**, the secretary shall prepare an official electronic template of a signature sheet for the petition **or prospective petition.** A template prepared under this subsection shall allow space for the signature of one elector. An elector may print a copy of the electronic signature sheet for a petition **or prospective petition**, sign the sheet and deliver the signed sheet to a chief petitioner or an agent designated by a chief petitioner. Electronic templates described in this subsection are subject to the requirements of ORS 250.045, other than ORS 250.045 (6), (9) and (10).

(7) The secretary shall adopt rules prescribing the contents and method of production of official templates required under this section.

SECTION 15. ORS 250.067 is amended to read:

250.067. (1) The Secretary of State, upon receiving a draft ballot title from the Attorney General under ORS 250.065 or 250.075, shall provide reasonable statewide notice of having received the draft ballot title and of the public's right to submit written comments as provided in this section. Written comments concerning a draft ballot title may be submitted to the secretary not later than the 10th business day after the secretary receives the draft title from the Attorney General. On the next business day after the deadline for submitting comments, the secretary shall send a copy of all written comments to the Attorney General. The secretary shall maintain a record of written comments received.

(2)(a) If written comments are submitted to the secretary under subsection (1) of this section, the Attorney General shall consider the comments and certify to the secretary either the draft ballot

title or a revised ballot title not later than the 10th business day after receiving the comments from the secretary.

(b) If no written comments are submitted to the secretary, the Attorney General shall certify the draft ballot title not later than the [20th] **21st** business day after the secretary receives the draft title from the Attorney General. If the Attorney General determines that a draft ballot title described in this paragraph contains a clerical error, the Attorney General may correct the error before certifying the corrected draft ballot title to the secretary.

(c) If the Attorney General determines that a ballot title certified under this subsection contains a clerical error, the Attorney General may correct the error and certify to the secretary a corrected ballot title not later than the 10th business day after the date the ballot title was certified.

(d) The secretary shall furnish the chief petitioner with a copy of each ballot title certified under this subsection.

(3) Unless the Supreme Court certifies a different ballot title, the latest ballot title certified by the Attorney General under subsection (2) of this section is the title to be printed in the voters' pamphlet and on the ballot.

(4) If a petition is filed with the Supreme Court as provided in ORS 250.085, the Secretary of State shall file with the Supreme Court a copy of the written comments received as part of the record on review of the ballot title.

(5) The secretary by rule shall specify the means for providing reasonable statewide notice for submitting comments on a draft ballot title.

(6) As used in this section, "clerical error" means a typographical, arithmetical or grammatical error or omission that is evident from the text of the draft or certified ballot title or by comparison of the text of the draft or certified ballot title with a written explanation that was provided by the Attorney General and issued concurrently with the draft or certified ballot title.

SECTION 16. ORS 250.065 is amended to read:

250.065. (1) When a prospective petition for a state measure to be referred is filed with the Secretary of State, the secretary shall authorize the circulation of the petition using the final measure summary of the latest version of the printed, engrossed measure in lieu of the ballot title. On the next business day after the referendum petition has been filed containing the required number of verified signatures, the Secretary of State shall send [two copies] **one copy** of the prospective petition to the Attorney General.

(2) When an approved prospective petition for a state measure to be initiated is filed with the Secretary of State, the secretary immediately shall send [two copies] **one copy** of it to the Attorney General.

(3) Not later than the fifth business day after receiving the [copies] **copy** of the prospective petition for a state measure to be initiated, the Attorney General shall provide a draft ballot title for the state measure to be initiated and [return] **send** one copy of the [prospective petition and the] ballot title to the Secretary of State.

(4) Not later than the 10th business day after receiving the [copies] **copy** of the prospective petition for a state measure to be referred, the Attorney General shall provide a draft ballot title for the state measure to be referred and [return] **send** one copy of the [prospective petition and the] draft ballot title to the Secretary of State.

SECTION 17. ORS 250.075 is amended to read:

250.075. (1) When the Legislative Assembly refers a measure to the people, a ballot title for the measure may be prepared by the assembly. The ballot title shall be filed with the Secretary of State when the measure is filed with the Secretary of State.

(2) If the title is not prepared under subsection (1) of this section, when the measure is filed with the Secretary of State, the secretary shall send [two copies] **one copy** of the referred measure to the Attorney General. Not later than the 30th day after the Legislative Assembly adjourns, the Attorney General shall provide a draft ballot title for the measure. The Attorney General shall send a copy of the draft ballot title to each member of the Legislative Assembly, and file with the Sec-

retary of State a copy of the [*referred measure and the*] draft ballot title and a certificate of mailing of the draft ballot title to each member.

SECTION 18. ORS 250.175 is amended to read:

250.175. (1) When a prospective petition for a county measure to be referred is filed with the county clerk, the clerk shall authorize the circulation of the petition containing the title of the measure as enacted by the county governing body or, if there is no title, the title supplied by the petitioner filing the prospective petition. The county clerk immediately shall send [*two copies*] **one copy** of the prospective petition to the district attorney.

(2) Not later than the sixth business day after a prospective petition for a county measure to be initiated is filed with the county clerk, the clerk shall send [*two copies*] **one copy** of it to the district attorney if the measure to be initiated has been determined to be in compliance with section 1 (2)(d), Article IV, and section 10, Article VI of the Oregon Constitution, as provided in ORS 250.168.

(3)(a) Not later than the fifth business day after receiving the [*copies*] **copy** of the prospective petition, and notwithstanding ORS 203.145 (3), the district attorney shall prepare a ballot title for the county measure to be initiated or referred and [*return one copy of the prospective petition and*] certify the ballot title to the county clerk.

(b) If the district attorney determines that a ballot title certified under this subsection contains a clerical error, the district attorney may correct the error and certify to the county clerk a corrected ballot title not later than the 10th business day after the date the ballot title was certified.

(c) A copy of the ballot title shall be furnished to the chief petitioner.

(4) Unless the circuit court certifies a different ballot title, the latest ballot title certified by the district attorney under subsection (3) of this section is the title to be printed on the ballot.

(5)(a) The county clerk, upon receiving a ballot title for a county measure to be referred or initiated from the district attorney or the county governing body, shall publish in the next available edition of a newspaper of general circulation in the county a notice of receipt of the ballot title including notice that an elector may file a petition for review of the ballot title not later than the date referred to in ORS 250.195.

(b) In addition to publishing a notice as described in paragraph (a) of this subsection, the county clerk may publish a notice on the county's website for a minimum of seven days.

(6) As used in this section, "clerical error" means a typographical, arithmetical or grammatical error or omission that is evident from the text of the certified ballot title or by comparison of the text of the ballot title with a written explanation that was provided by the district attorney and issued concurrently with the certified ballot title.

SECTION 19. ORS 250.185 is amended to read:

250.185. (1) When the county governing body refers a measure to the people, a ballot title for the measure may be prepared by the body. The measure and the ballot title prepared under this subsection shall be filed at the same time with the county clerk.

(2) If the title is not prepared under subsection (1) of this section, when the measure is filed with the county clerk, the clerk shall send [*two copies*] **one copy** to the district attorney. Not later than the fifth business day after receiving the [*copies*] **copy**, the district attorney shall provide a ballot title for the measure and send a copy of it to the county governing body and the county clerk.

SECTION 20. ORS 250.275 is amended to read:

250.275. (1) When a prospective petition for a city measure to be referred is filed with the city elections officer, the officer shall authorize the circulation of the petition containing the title of the measure as enacted by the city governing body or, if there is no title, the title supplied by the petitioner filing the prospective petition. The city elections officer immediately shall send [*two copies*] **one copy** of the prospective petition to the city attorney.

(2) Not later than the sixth business day after a prospective petition for a city measure to be initiated is filed with the city elections officer, the officer shall send [*two copies*] **one copy** of it to the city attorney if the measure to be initiated has been determined to be in compliance with section 1 (2)(d) and (5), Article IV of the Oregon Constitution, as provided in ORS 250.270.

(3)(a) Not later than the fifth business day after receiving the [copies] **copy** of the prospective petition, the city attorney shall provide a ballot title for the city measure to be initiated or referred and [return one copy of the prospective petition and] certify the ballot title to the city elections officer.

(b) If the city attorney determines that a ballot title certified under this subsection contains a clerical error, the city attorney may correct the error and certify to the city elections officer a corrected ballot title not later than the 10th business day after the date the ballot title was certified.

(c) A copy of the ballot title shall be furnished to the chief petitioner.

(4) Unless the circuit court certifies a different ballot title, the latest ballot title certified by the city attorney under subsection (3) of this section is the title to be printed on the ballot.

(5)(a) The city elections officer, upon receiving a ballot title for a city measure to be referred or initiated from the city attorney or city governing body, shall publish in the next available edition of a newspaper of general distribution in the city a notice of receipt of the ballot title including notice that an elector may file a petition for review of the ballot title not later than the date referred to in ORS 250.296.

(b) In addition to publishing a notice as described in paragraph (a) of this subsection, the city elections officer may publish a notice on the city's website for a minimum of seven days.

(6) As used in this section, "clerical error" means a typographical, arithmetical or grammatical error or omission that is evident from the text of the certified ballot title or by comparison of the text of the ballot title with a written explanation that was provided by the city attorney and issued concurrently with the certified ballot title.

SECTION 21. ORS 250.285 is amended to read:

250.285. (1) When the city governing body refers a measure to the people, a ballot title for the measure may be prepared by the body. The ballot title shall be filed with the city elections officer.

(2) If the title is not prepared under subsection (1) of this section, when the measure is filed with the city elections officer, the officer shall send [two copies] **one copy** to the city attorney. Not later than the fifth business day after receiving the [copies] **copy**, the city attorney shall provide a ballot title for the measure[,] and send a copy of it to the city governing body and the city elections officer.

SECTION 22. ORS 255.145 is amended to read:

255.145. (1) When a prospective petition for a district measure to be referred is filed with the elections officer, the officer shall authorize the circulation of the petition containing the title of the measure as enacted by the district elections authority or, if there is no title, the title supplied by the petitioner filing the prospective petition. The elections officer immediately shall send [two copies] **one copy** of the prospective petition to the district attorney of the county in which the administrative office of the district is located.

(2) Not later than the sixth business day after a prospective petition for a district measure to be initiated is filed with the elections officer, the officer shall send [two copies] **one copy** of it to the district attorney of the county in which the administrative office of the district is located if the measure to be initiated has been determined to be in compliance with section 1 (2)(d) and (5), Article IV of the Oregon Constitution, as provided in ORS 255.140.

(3)(a) Not later than the fifth business day after receiving the [copies] **copy** of the prospective petition, the district attorney shall provide a ballot title for the district measure to be initiated or referred and [return] **send** one copy of the [prospective petition and the] ballot title to the elections officer. Unless the circuit court certifies a different title, **or the district attorney determines that a clerical correction is necessary**, this ballot title shall be the title printed on the ballot.

(b) **As used in this subsection, "clerical correction" means a typographical, arithmetical or grammatical correction that is evident from the text of the draft or certified ballot title.**

(4) A copy of the ballot title shall be furnished to the chief petitioner.

(5)(a) The elections officer, upon receiving a ballot title for a district measure to be referred or initiated from the district attorney, shall publish in the next available edition of a newspaper of general circulation in the district a notice of receipt of the ballot title including notice that an

elector may file a petition for review of the ballot title not later than the date referred to in ORS 255.155.

(b) In addition to publishing a notice as described in paragraph (a) of this subsection, the elections officer may publish a notice on the county's website for a minimum of seven days.

SECTION 23. ORS 250.141 is amended to read:

250.141. (1) Not later than the date set by the Secretary of State by rule, each citizen panel shall prepare and file with the secretary any of the following statements of not more than 250 words each:

(a) A statement in favor of the measure.

(b) A statement opposed to the measure.

(c) A statement that "No panelist took this position." if a panel is unanimous in either supporting or opposing a measure.

(d) A statement of key findings that summarizes the citizen panel's findings in an impartial manner and may include a tally of how many panelists agreed with the key findings.

(e) A statement of additional policy considerations that describes the subject matter of or any fiscal considerations related to the measure. A statement submitted under this paragraph must be supported by at least three-quarters of the panelists.

(2)(a) Before a statement is filed with the Secretary of State under subsection (1) of this section:

(A) A person designated under ORS 250.139 (6)(c) shall be allowed to review the statement in favor of the measure by the citizen panel and provide feedback to the panel regarding the statement.

(B) A person designated under ORS 250.139 (6)(d) shall be allowed to review the statement opposed to the measure by the citizen panel and provide feedback to the panel regarding the statement.

(C) A person designated under ORS 250.139 (6)(c) or (d) shall be allowed to review the statement of key findings by the citizen panel and provide feedback to the panel regarding the statement.

(b) A citizen panel may adjust any statement after receiving feedback as described in this subsection.

(3) The secretary shall prescribe the size and manner of placement of the statements submitted by a citizen panel to be printed in the voters' pamphlet, except that the statements shall be clearly differentiated from other arguments or statements in the voters' pamphlet and may include, but are not limited to, the use of unique formatting and informative symbols.

(4) The secretary shall provide with any citizen panel statement a description of not more than 150 words of the citizen panel process described in ORS 250.137 to 250.149 and the following explanation:

The opinions expressed in this statement are those of the members of a citizen panel and were developed through the citizen review process. They are NOT official opinions or positions endorsed by the State of Oregon or any government agency. A citizen panel is not a judge of the constitutionality or legality of any ballot measure, and any statements about such matters are not binding on a court of law.

(5) A statement described in subsection (1) of this section must be filed using the electronic filing system adopted by the Secretary of State under ORS 251.014.

[(5)] (6) The secretary, by rule, shall set a date by which statements must be filed under this section. The date may not be sooner than the 70th day before the date of the election.

SECTION 24. ORS 251.115 is amended to read:

251.115. (1) **Not sooner than the 120th day and** not later than the 70th day before the general election, the party officers as designated in the organizational documents of any statewide political party or assembly of electors having nominated candidates may file with the Secretary of State a statement of arguments for the success of its principles and election of its candidates on a statewide

basis and opposing the principles and candidates of other political parties or organizations on a statewide basis.

(2) **Not sooner than the 120th day and** not later than the 70th day before the general election, the party officers as designated in the organizational documents of any less than statewide political party or assembly of electors having nominated candidates may file with the Secretary of State a statement of arguments for the success of its principles and election of its candidates on a county basis and opposing the principles and candidates of other political parties or organizations on a county basis.

(3)(a) Any statewide political party or assembly of electors having nominated candidates shall pay a fee of \$1,200 to the Secretary of State when the statement is filed or may submit a petition in a form prescribed by the secretary containing the signatures of 500 active electors.

(b) Any less than statewide political party or assembly of electors having nominated candidates shall pay a fee of \$600 to the Secretary of State when the statement is filed or may submit a petition in a form prescribed by the secretary containing the signatures of 300 active electors.

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

(d) 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.

(4) A statement of arguments filed under this section must be filed using *[an]* **the** electronic filing system *[designated]* **adopted** by the Secretary of State under ORS 251.014.

(5) The Secretary of State by rule shall prescribe the size of the statements permitted under this section, except that any statewide political party or assembly of electors having nominated candidates shall be allotted more space than any less than statewide political party or assembly of electors having nominated candidates.

(6) For purposes of this section, an “active elector” is a person whose registration is considered active as described in ORS 247.013.

SECTION 25. 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 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]* **the** electronic filing system *[designated]* **adopted** 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 26. ORS 251.255 is amended to read:

251.255. (1) Not **sooner than the 120th day and not** later than the 70th day before a general election or the 68th day before a special election held on the date of any 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*] **the** electronic filing system [*designated*] **adopted** 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 27. ORS 254.115 is amended to read:

254.115. (1) The official primary election ballot shall be styled "Official Primary Nominating Ballot for the _____ Party." and shall state:

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

(b) The date of the 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) 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 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)(a) The ballot may not contain the name of any person other than those referred to in subsections (1) and (2) of this section.

(b) 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, **except in circumstances where a candidate may hold more than one office or nomination without violating ORS 249.013.**

(c) 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 28. 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] **with** 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, **except in circumstances where a candidate may hold more than one office or nomination without violating ORS 249.013**. 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.

(b) If a candidate is required to select the name of a political party to be printed on the ballot under paragraph (a) 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 29. ORS 255.085 is amended to read:

255.085. (1) Not later than the 61st day before a district election on a measure, the district elections authority shall deliver to the elections officer a notice stating the date of the election and a ballot title. The district elections authority shall prepare the ballot title for a measure referred

by the authority with the assistance of the district attorney for the county of the elections officer or an attorney employed by the district elections authority. **The district elections authority shall include the ballot title for the measure at the time the measure is submitted to the elections officer.**

(2) If a district submits a measure to the electors of the district at an election held on the first Tuesday after the first Monday in November and the district submitted a measure on the election date in ORS 255.345 (1) immediately preceding the date of an election held on the first Tuesday after the first Monday in November, the district elections authority shall file the measure, **including the ballot title for the measure**, for the election held on the first Tuesday after the first Monday in November with the elections officer not later than the 47th day before an election held on the first Tuesday after the first Monday in November.

(3) A notice of election called to approve the issuance of bonds shall include:

(a) The purpose for which the bonds are to be used;

(b) The amount and the term of the bonds;

(c) The kind of bonds proposed to be issued; and

(d) If the bond election is authorized by ORS 450.900, the additional notice requirements in ORS 450.905.

(4)(a) In the case of a measure submitted by initiative or referendum petition, the elections officer shall publish the notice in the next available edition of a newspaper of general circulation in the district after the deadline for filing the notice.

(b) In the case of a measure referred by the district elections authority, the elections officer shall publish the notice of election in the next available edition of a newspaper of general circulation in the district after the notice of election is filed. The notice shall also state that an elector may file a petition for review of the ballot title not later than the date referred to in ORS 255.155. If the circuit court certifies a different ballot title, the elections officer shall publish an amended notice of election in the next available edition of the newspaper referred to in this subsection after the new title is certified to the elections officer.

(c) In addition to publishing the notice as described in paragraphs (a) and (b) of this subsection, the elections officer may publish the notice on the county's website for a minimum of seven days.

SECTION 30. ORS 255.295 is amended to read:

255.295. (1) Not later than the 20th day after the date of an election, the [county clerk] **elections officer** shall prepare an abstract of the votes and deliver it to the district elections authority. Not later than the 40th day after [receiving the abstract] **the date of an election**, the district elections authority shall determine from it the result of the election.

(2) Subject to ORS 254.548, the [county clerk] **elections officer** may issue a certificate of election only after the district elections authority has notified the [county clerk] **elections officer** in writing of the result of the election. The notification to the [county clerk] **elections officer** shall contain a statement indicating whether any candidate elected to district office is qualified to hold the office.

SECTION 31. 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) 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) Not later than the [30th] **40th** 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.

NOTE: Section 32 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 33. ORS 260.043 is amended to read:

260.043. (1) A candidate who serves as the candidate's own treasurer and who expects neither the aggregate contributions to be received nor the aggregate expenditures to be made by or on behalf of the candidate to exceed \$750 in total amount during a calendar year is not required to:

- (a) File a statement of organization under ORS 260.039;
- (b) Establish a single exclusive campaign account under ORS 260.054; or
- (c) File statements under ORS 260.057.

(2) A candidate described in subsection (1) of this section must keep contribution and expenditure records for the previous 24 months.

[(3) If at any time following the filing of a nominating petition, declaration of candidacy or certificate of nomination and during the calendar year either the aggregate contributions or aggregate expenditures exceed \$750, the candidate shall do all of the following:]

[(a) File a statement of organization under ORS 260.039.]

[(b) Establish a single exclusive campaign account as required under ORS 260.054.]

[(c) File a statement under ORS 260.057 showing all contributions received and expenditures made. The statement shall be filed not later than seven calendar days after aggregate contributions or aggregate expenditures exceed \$750 during a calendar year.]

[(d) If necessary, file additional statements under ORS 260.057.]

(3)(a) If at any time during the calendar year either the aggregate contributions or aggregate expenditures exceed \$750, the candidate must file a statement of organization under ORS 260.039, establish a single exclusive campaign account as required under ORS 260.054 and file statements as required in paragraph (b) of this subsection.

(b)(A) Except as provided in subparagraph (B) of this paragraph, if at any time during the calendar year either the aggregate contributions or aggregate expenditures exceed \$750, the candidate must file a statement under ORS 260.057 showing all contributions received and expenditures made. After aggregate contributions or aggregate expenditures exceed \$750 during a calendar year, the statement shall be filed under the time frames established in ORS 260.057 (3).

(B) If the candidate expects neither the aggregate contributions to be received nor the aggregate expenditures to be made by or on behalf of the candidate to exceed \$3,500 during the calendar year, the candidate may file a statement to that effect under ORS 260.112, rather than file statements under ORS 260.057. Notwithstanding ORS 260.112 (2), the statement shall be filed not later than seven calendar days after aggregate contributions or aggregate expenditures exceed \$750 during a calendar year.

(4) This section does not apply to candidates for federal office.

SECTION 34. ORS 260.054 is amended to read:

260.054. (1) Each political committee shall establish a single exclusive campaign account and each petition committee organized under ORS 260.118 shall establish a single exclusive petition account in a financial institution, as defined in ORS 706.008. The financial institution must be located in this state and must ordinarily conduct business with the general public in this state.

(2) A political committee shall maintain the campaign account in the name of the political committee. A petition committee shall maintain the petition account in the name of the petition committee.

(3) Except as provided in subsection (4) of this section:

(a) All expenditures made by the political committee shall be drawn from the campaign account and:

(A) Issued on a check signed by the candidate on whose behalf the account is established, by the treasurer of the political committee or by an individual designated by the candidate or treasurer; or

(B) Paid using a debit card or other form of electronic transaction.

(b) All expenditures made by the petition committee shall be drawn from the petition account and:

(A) Issued on a check signed by the chief petitioner or treasurer of the petition committee or by an individual designated by the chief petitioner or treasurer; or

(B) Paid using a debit card or other form of electronic transaction.

(4) Subsection (3) of this section does not prohibit a person from making a cash or other expenditure on behalf of the political committee or petition committee and receiving reimbursement from the campaign or petition account.

(5)(a) Not later than seven [*calendar*] **business** days after the date the contribution is received:

(A) A contribution received by a candidate or the treasurer of a political committee, directly or indirectly, shall be deposited into the campaign account.

(B) A contribution received by a chief petitioner or treasurer of a petition committee, directly or indirectly, shall be deposited into the petition account.

(b) This subsection does not apply to in-kind contributions received by a candidate, political committee or petition committee.

(6) This section does not prohibit the transfer of any amount deposited in a campaign or petition account into a certificate of deposit, stock fund or other investment instrument.

(7) A campaign or petition account may not include any private moneys, other than contributions received by the political committee or petition committee.

(8) A political committee or petition committee shall retain a copy of each financial institution account statement from the campaign or petition account described in this section for not less than two years after the date the statement is issued by the financial institution.

(9) This section does not apply to candidates described in ORS 260.043.

(10) 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 35. ORS 260.055 is amended to read:

260.055. (1) Each candidate, other than a candidate for political party office, the treasurer of each political committee and the treasurer of each petition committee shall keep detailed accounts. The accounts shall be current as of not later than the seventh [*calendar*] **business** day after the date of receiving a contribution or making an expenditure with respect to all contributions received and all expenditures made by or on behalf of the candidate or committee that are required to be reported under ORS 260.057, 260.076 or 260.078. Subject to ORS 260.085, the accounts shall list all information required to be reported under ORS 260.083.

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

(3) Accounts kept by a candidate or treasurer shall be preserved by the candidate or treasurer for at least two years after the date the statement of the contribution or expenditure is filed under ORS 260.057.

SECTION 36. 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 primary or general election or a political committee supporting or opposing a candidate or measure at any 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 primary election and ending on the date of the 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 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 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 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]*, **treasurer, designee of the candidate or treasurer or person who files a statement of independent expenditures under ORS 260.044, as appropriate.** 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 37. ORS 260.078 is amended to read:

260.078. If the first statement filed by a candidate, a candidate's principal campaign committee, **a petition committee** or a political committee under ORS 260.057 shows an unexpended balance of contributions not previously reported on hand, the statement shall list all contributions and expenditures giving rise to the unexpended balance of contributions in accordance with ORS 260.083.

SECTION 38. ORS 260.232 is amended to read:

260.232. (1) The Secretary of State may impose a civil penalty as provided in this section, in addition to any other penalty that may be imposed, for:

(a) Failure to file a statement or certificate required to be filed under ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.112 or 260.118.

(b) Failure to include in a statement filed under ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.112 or 260.118 the information required under ORS 260.044, 260.057, 260.076, 260.083 or 260.118.

(2)(a) If a person required to file has not filed a statement or certificate complying with applicable provisions of ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.085, 260.112 or 260.118 within the time specified in ORS 260.044, 260.057, 260.076, 260.078 or 260.118, the Secretary of State by first class mail **or electronically** shall notify the person that a penalty may be imposed and that the person has 20 days from the service date on the notice to request a hearing before the Secretary of State.

(b) If the person required to file is a candidate or the principal campaign committee of a candidate, the Secretary of State shall send the notice described in paragraph (a) of this subsection by first class mail **or electronically** to the candidate. The notice shall be used for purposes of determining the deadline for requesting a hearing under subsection (3) of this section.

(3) A hearing on whether to impose a civil penalty and to consider circumstances in mitigation shall be held by the Secretary of State:

(a) Upon request of the person against whom the penalty may be assessed, if the request is made not later than the 20th day [*after the person received*] **from the service date on** the notice sent under subsection (2) of this section;

(b) Upon request of the filing officer with whom a statement or certificate was required to be filed but was not filed; or

(c) Upon the Secretary of State's own motion.

(4) A hearing under subsection (3) of this section shall be held not later than 45 days after the deadline for the person against whom the penalty may be assessed to request a hearing. However, if requested by the person against whom the penalty may be assessed, a hearing under subsection (3) of this section shall be held not later than 60 days after the deadline for the person against whom the penalty may be assessed to request a hearing.

(5) The Secretary of State shall issue an order not later than 90 days after a hearing or after the deadline for requesting a hearing if no hearing is held.

(6) The person against whom a penalty may be assessed need not appear in person at a hearing held under this section, but instead may submit written testimony and other evidence, subject to the penalty for false swearing, to the Secretary of State for entry in the hearing record. The testimony and other evidence must be received by the secretary not later than three business days before the day of the hearing and may be submitted electronically.

(7) A civil penalty imposed under this section may not be more than the following:

(a) For failure to file a statement or certificate required to be filed under ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.112 or 260.118, 10 percent of the total amount of the contribution or expenditure required to be included in the statement or certificate; or

(b) For each failure to include in a statement filed under ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.112 or 260.118 the information required under ORS 260.044, 260.057, 260.076, 260.083 or 260.118, 10 percent of the total amount of the contribution or expenditure required to be included in the statement.

(8) The Secretary of State, upon a showing of mitigating circumstances, may reduce the amount of the penalty described in subsection (7) of this section.

(9) Except as otherwise provided by this section, civil penalties under this section shall be imposed as provided in ORS 183.745.

SECTION 39. ORS 260.241 is amended to read:

260.241. (1) Despite delay in the filing of statements relating to a candidate's nomination required to be filed under ORS 260.057, or in the filing of a certificate described in ORS 260.112 in lieu of a statement required under ORS 260.057, prior to the nominating election, the candidate's name shall appear on the general election ballot if those statements or the certificate is filed before the 61st day before the general election.

(2) A candidate's name may not be placed on the general election ballot if the statements or certificate referred to in subsection (1) of this section is not filed before the 61st day before the general election.

(3) If the statements or certificate referred to in subsection (1) of this section is not filed by the 68th day before the general election, the filing officer by mail **or electronically** shall notify the candidate that the candidate's name may not be placed on the general election ballot. The filing officer shall send the notice described in this subsection by first class mail **or electronically** to the candidate and the candidate's treasurer or the treasurer of the candidate's principal campaign committee. The filing officer is not required to send two notices if the candidate serves as the treasurer of the candidate's principal campaign committee.

SECTION 40. ORS 260.407 is amended to read:

260.407. (1)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions by a candidate, [or] the principal campaign committee of a candidate [*for public office that are in excess of any amount necessary to defray expenditures and any other funds donated to a holder of public office*] **or the principal campaign committee of a holder of public office** may be:

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

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

(C) Contributed to any organization described in section 170(c) of the Internal Revenue Code or to any charitable corporation as defined in ORS 128.620; or

(D) Used for any other lawful purpose.

(b) Amounts received as contributions by a candidate, [or] the principal campaign committee of a candidate for public office [*that are in excess of any amount necessary to defray expenditures and other funds donated to a holder of public office*] **or the principal campaign committee of a holder of public office** may not be:

(A) Converted by any person to any personal use other than to defray any expenses incurred in connection with the person's duties as a holder of public office or to repay to a candidate any loan the proceeds of which were used in connection with the candidate's campaign;

(B) Except as provided in this subparagraph, used to pay any money award as defined in ORS 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contributions described in this paragraph may be used to pay a civil penalty imposed under this chapter, other than a civil penalty imposed for a violation of this section or ORS 260.409; or

(C) Except as provided in this subparagraph, used to pay any legal expenses incurred by the candidate or public official in any civil, criminal or other legal proceeding or investigation that relates to or arises from the course and scope of the duties of the person as a candidate or public official. Contributions described in this paragraph may be used to pay legal expenses incurred by the candidate or public official in connection with a legal proceeding brought under [*this chapter*] **ORS chapters 246 to 260**, other than a proceeding brought under this section or ORS 260.409.

(2)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions by a political committee that is not a principal campaign committee [*that are in excess of any amount necessary to defray expenditures*] may be:

(A) Used to repay to the political committee any loan the proceeds of which were used in connection with the campaign;

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

(C) Contributed to any organization described in section 170(c) of the Internal Revenue Code or to any charitable corporation as defined in ORS 128.620; or

(D) Used for any other lawful purpose.

(b) Amounts received as contributions by the political committee may not be:

(A) Converted by any person to any personal use;

(B) Except as provided in this subparagraph, used to pay any money award as defined in ORS 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contributions described in this subsection may be used to pay a civil penalty imposed under this chapter, other than a civil penalty imposed for a violation of this section or ORS 260.409; or

(C) Except as provided in this subparagraph, used to pay any legal expenses incurred by a treasurer or director of a political committee in any civil, criminal or other legal proceeding or investigation that relates to or arises from the course and scope of the duties of the person as a treasurer or director. Contributions described in this subsection may be used to pay legal expenses incurred by a treasurer or director in connection with a legal proceeding brought under [*this chapter*] **ORS chapters 246 to 260**, other than a proceeding brought under this section or ORS 260.409.

(3)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions by a chief petitioner or treasurer of a petition committee [*that are in excess of any amount necessary to defray expenditures*] may be:

(A) Used to repay to the chief petitioner any loan the proceeds of which were used in connection with the initiative, referendum or recall petition;

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

(C) Contributed to any organization described in section 170(c) of the Internal Revenue Code or to any charitable corporation as defined in ORS 128.620; or

(D) Used for any other lawful purpose.

(b) Amounts received as contributions by a chief petitioner or treasurer of a petition committee may not be:

(A) Converted by any person to any personal use;

(B) Except as provided in this subparagraph, used to pay any money award as defined in ORS 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contributions described in this subsection may be used to pay a civil penalty imposed under this chapter, other than a civil penalty imposed for a violation of this section or ORS 260.409; or

(C) Except as provided in this subparagraph, used to pay any legal expenses incurred by a chief petitioner or the treasurer of a petition committee in any civil, criminal or other legal proceeding or investigation that relates to or arises from the course and scope of the duties of the person as a chief petitioner or treasurer. Contributions described in this subsection may be used to pay legal expenses incurred by a chief petitioner or treasurer in connection with a legal proceeding brought under [*this chapter*] **ORS chapters 246 to 260**, other than a proceeding brought under this section or ORS 260.409.

(4) As used in this section:

(a) "Contribution" and "expenditure" include a contribution or expenditure to or on behalf of an initiative, referendum or recall petition.

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

(c) "Public office" does not include national or political party office.

SECTION 41. ORS 260.715 is amended to read:

260.715. (1) A person may not knowingly make a false statement, oath or affidavit when a statement, oath or affidavit is required under the election laws.

(2) A person may not request a ballot in a name other than the person's own name.

(3) A person may not vote or attempt to vote more than once at any election held on the same date.

(4) A person may not vote or attempt to vote both in an election held in this state and in another state on the same date.

(5) A person, except an elections official in performance of duties, may not willfully alter or destroy a ballot cast at an election or the returns of an election.

(6) A person may not willfully place a fraudulent ballot among the genuine ballots.

(7) A person may not falsely write anything purporting to be written by an elections official in performance of duties on the ballot.

(8) A person may not commit theft of a ballot or tally or return sheet, or willfully hinder or delay the delivery of the tally or return sheet to the county clerk, or fraudulently break open a sealed tally or return sheet of the election.

(9)(a) A person may not:

(A) Manufacture or knowingly use a fraudulent ballot return identification envelope or secrecy envelope; or

(B) Sell, **make an offer with the actual intent** to sell, purchase or **make an offer with the actual intent** to purchase, for money or other valuable consideration, any official ballot, replacement ballot, ballot return identification envelope or secrecy envelope.

(b) As used in this subsection, "ballot return identification envelope" and "secrecy envelope" mean those envelopes used to return ballots to the county clerk.

SECTION 42. ORS 254.529 is amended to read:

254.529. (1) At each general election, the county clerk shall conduct a hand count of ballots as described in this section and compare the tally of votes for those ballots produced by a vote tally system with the tally of votes for those ballots produced by the hand count.

(2)(a) In the event that the unofficial tally of ballots produced by a vote tally system reveals that the margin of victory between the two candidates receiving the largest number of votes in the county is less than one percent of the total votes cast in that election in the county, the county clerk shall conduct a hand count of ballots in at least 10 percent of all precincts or of ballots in at least 10 percent of all batches of ballots collected by the county clerk.

(b) In the event that the unofficial tally of ballots reveals that the margin of victory between the two candidates receiving the largest number of votes in the county is greater than or equal to one percent but less than two percent of the total votes cast in the county, the county clerk shall conduct a hand count of ballots in at least five percent of all precincts or of ballots in at least five percent of all batches of ballots collected by the county clerk.

(c) In the event that the unofficial tally of ballots reveals that the margin of victory between the two candidates receiving the largest number of votes in the county is greater than or equal to two percent of the total votes cast in the county, the county clerk shall conduct a hand count of ballots in at least three percent of all precincts or of ballots in at least three percent of all batches of ballots collected by the county clerk.

(3) **The county clerk shall conduct a hand count of ballots cast in the election contest between the two candidates receiving the largest number of votes in the county, an election contest for an office to be voted on in the state at large and, if possible, an election contest for a state measure.** The Secretary of State shall select the precincts **or batches** at random. At the general election[,]:

(a) **If selecting precincts**, no fewer than 150 ballots must have been cast in at least one of the precincts selected.

(b) If selecting batches, the number of ballots contained in the batches selected must in the aggregate be equal to or greater than:

(A) Ten percent of the total number of ballots cast in the election for a hand count required under subsection (2)(a) of this section.

(B) Five percent of the total number of ballots cast in the election for a hand count required under subsection (2)(b) of this section.

(C) Three percent of the total number of ballots cast in the election for a hand count required under subsection (2)(c) of this section. *[The county clerk shall conduct a hand count of ballots cast in the election contest between the two candidates receiving the largest number of votes in the county, an election contest for an office to be voted on in the state at large and, if possible, an election contest for a state measure.]*

(4) Not later than 5 p.m. of the *[third]* **15th** business day after the date of the general election, the Secretary of State shall advise county clerks in writing of:

(a) The election contests for which ballots are to be hand counted; and

(b) The precincts **or batches** in which ballots are to be hand counted.

(5) A county clerk shall begin the hand counts prescribed by this section not later than the *[21st]* **23rd** day after the election and complete the hand counts not later than the 30th day after the election. The results of the hand counts shall be provided to the Secretary of State, who shall make the results publicly available on the Secretary of State's website.

(6) A comparison of the tally of votes produced by a vote tally system with the tally of votes produced by the hand count required by this section must show that the tally of votes produced by the vote tally system differs by no more than one-half of one percent from the tally of votes produced by the hand count.

(7)(a) If a hand count conducted under this section results in a tally of votes for a candidate or measure that is different from the tally of votes produced by the vote tally system for that candidate or measure, and the difference for each race is equal to or less than one-half of one percent, the tally of votes produced by the vote tally system is the official tally of votes for that vote tally system.

(b) If a hand count conducted under this section results in a tally of votes for a candidate or measure that is different from the tally of votes produced by the vote tally system for that candidate or measure, and the difference in any race is greater than one-half of one percent, the county clerk shall conduct a second hand count of the same ballots.

(c) If the second hand count conducted under this subsection results in a tally of votes for a candidate or measure that is different from the tally of votes produced by the vote tally system for that candidate or measure, and the difference for each race is equal to or less than one-half of one percent, the tally of votes produced by the vote tally system is the official tally of votes for that vote tally system.

(d) If the second hand count conducted under this subsection results in a tally of votes for a candidate or measure that is different from the tally of votes produced by the vote tally system for that candidate or measure, and the difference in any race is greater than one-half of one percent, the county clerk shall conduct a hand count of all ballots counted by that vote tally system. The hand count is the official tally of votes for that vote tally system. If the hand count is the official tally of votes, not later than the 30th day after the election, the county clerk shall certify amended abstracts of votes to appropriate elections officials.

(8) For purposes of conducting the hand counts required under this section, the county clerk shall:

(a) Retain custody of the ballots; and

(b) Provide for security for the ballots and the information required to be collected under this subsection.

(9) This section does not apply:

(a) To precincts that are subject to a recount under ORS 258.161, 258.280 or 258.290.

(b) If federal law requires a post-election hand count of ballots at the general election to verify election results and the Secretary of State determines that the requirements of federal law are at least as stringent as the requirements of subsections (1) to (8) of this section.

SECTION 43. ORS 249.008 is amended to read:

249.008. (1) Except as provided in subsection (2) of this section, before a nominating petition, minutes of an assembly of electors[,] or petition by individual electors is offered for filing, the county clerk of each county in which the signatures were secured **or the Secretary of State** shall compare the signatures of electors on the petition or minutes with the signatures of the electors on the elector registration cards. Any petition or minutes submitted for verification under this section shall contain only original signatures. The county clerk **or the secretary** shall attach to the petition or minutes a certificate stating the number of signatures believed to be genuine. The certificate is prima facie evidence of the facts stated in it. A signature not included in the number certified to be genuine shall not be counted by the officer with whom the petition is filed. No signature in violation of the provisions of this chapter shall be counted.

(2) If the total number of signatures presented to a county clerk **or the Secretary of State** for verification is 15,000 or more, the county clerk **or secretary** may use a statistical sampling technique authorized by the secretary [*of State*] to verify the signatures. The sample shall be drawn from at least 100 percent of the number of signatures required for nomination.

(3) After signatures of electors on a nominating petition, minutes of an assembly of electors or petition by individual electors are submitted for verification, no elector who signed the petition or minutes may remove the signature of the elector from the petition or minutes.

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

SECTION 44. 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) 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) Pursuant to ORS 249.008, the county clerks **or the Secretary of State** shall certify the signatures contained in the nominating petition for genuineness.

SECTION 45. ORS 249.078 is amended to read:

249.078. (1) The name of a candidate for a major political party nomination for President of the United States shall be printed on the ballot only:

(a) By direction of the Secretary of State who in the secretary's sole discretion has determined that the candidate's candidacy is generally advocated or is recognized in national news media; or

(b) By nominating petition described in this section and filed with the Secretary of State.

(2) A petition nominating a candidate under this section shall contain from each congressional district the signatures of at least 1,000 electors who are registered in the district and who are members of the major political party of the candidate. The electors in each congressional district shall include electors registered in at least five percent of the precincts in each of at least one-fourth of the counties in the congressional district. The petition shall contain the printed name, residence or mailing address and name or number of the precinct, if known, of each elector whose signature appears on the petition. The signatures shall be certified for genuineness by the county clerks **or the Secretary of State** under ORS 249.008.

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

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

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

SECTION 46. ORS 249.735 is amended to read:

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

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

(b) Of not fewer than 500 electors of the congressional district for which the nomination for Representative in Congress is made.

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

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

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

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

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

(6) The presiding officer of an assembly of electors shall deliver the signatures of assembly members entered in the minutes to the appropriate county clerks of the counties in which the assembly members live **or to the Secretary of State if the Secretary of State is designated as the filing officer under ORS 249.035.** The signatures shall be certified by the appropriate county clerk **or by the Secretary of State** under ORS 249.008. A copy of the minutes, certified by the secretary of the assembly, and the certificate of the county clerk **or the Secretary of State** shall be filed [with the filing officer] with the certificate of nomination.

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

SECTION 47. ORS 249.740 is amended to read:

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

(2) Each elector signing a certificate of nomination made by individual electors shall include the residence or mailing address of the elector. Except for a certificate of nomination of candidates for electors of President and Vice President of the United States, a certificate of nomination made by individual electors shall contain the name of only one candidate.

(3) Before beginning to circulate the certificate of nomination, the chief sponsor of the certificate shall file a signed copy of the prospective certificate with the filing officer referred to in ORS

249.722. The chief sponsor of the certificate shall include with the prospective certificate a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the certificate. After the prospective certificate is filed, the chief sponsor shall notify the filing officer not later than the 10th day after the chief sponsor first has knowledge or should have had knowledge that:

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

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

(4) The circulator shall certify on each signature sheet that the circulator:

(a) Witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet; and

(b) Believes each individual is an elector registered in the electoral district.

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

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

SECTION 48. ORS 249.005 is amended to read:

249.005. (1) Notwithstanding ORS 249.008 and 249.875, a petition or minutes for which original signatures are otherwise required may be accepted by the county clerk **or the Secretary of State** for signature verification, or by another filing officer in the case of a recall petition, with photographic copies of one or more signature sheets if:

(a) The signature sheets containing the original signatures were stolen or destroyed by fire, a natural disaster or other act of God; and

(b) The photographic copy of each original signature sheet contains the number of the original signature sheet prescribed by the Secretary of State under ORS 249.009.

(2) As used in this section, "act of God" means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.

SECTION 49. ORS 254.431 is amended to read:

254.431. (1) If a ballot is challenged because it is returned in an unsigned return identification envelope or because the signature of an elector on a return identification envelope does not match the signature in the voter registration record for the elector, the county clerk shall mail to the elector a notice that describes the nature of the challenge. The Secretary of State shall design a standard form to be used in all notifications sent by county clerks under this subsection.

(2)(a) In order for the vote of the elector to be counted, the elector must provide evidence sufficient to disprove the challenge not later than the 14th calendar day after the date of the election. **In the case of an unsigned return identification envelope, providing sufficient evidence may include completing a certified statement on a form provided by the county clerk. The Secretary of State shall design a standard form to be used for certified statements made under this paragraph.**

(b) If the elector does not provide evidence sufficient to disprove a challenge alleging that the signature of the elector on a return identification envelope does not match the signature in the voter registration record for the elector by the 14th calendar day after the date of the election, the registration of the elector shall be considered inactive.

(3)(a) The filing officer may not release as a public record any information that could be used to identify an elector whose ballot has been challenged under this section until the eighth calendar day after the date of an election.

(b) Following the seventh calendar day after the date of an election, the filing officer may disclose as a public record under ORS 192.410 to 192.505 the following information about each elector whose ballot was challenged under this section:

- (A) The name of the elector;
 - (B) The residence addresses of the elector; and
 - (C) The reason the elector's ballot is being challenged.
- (4) As used in this section, "filing officer" means:

- (a) The Secretary of State, for federal or statewide elections and for elections to the office of state Senator or Representative; or
- (b) The county clerk, for county, city or district elections.

SECTION 50. 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 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 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:

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.

(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, **unless a certified statement is submitted under ORS 254.431**; 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 51. ORS 249.002 is amended to read:

249.002. As used in this chapter:

(1) "Candidate" means an individual whose name is or is expected to be printed on the official ballot **or a write-in candidate**.

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

(3) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Constitution.

(4) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon Tax Court, or any county judge who exercises judicial functions.

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

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

(7) "Nonpartisan office" means the office of judge, Commissioner of the Bureau of Labor and Industries, any elected office of a metropolitan service district under ORS chapter 268, justice of the peace, county clerk, county assessor, county surveyor, county treasurer, sheriff, district attorney or any office designated nonpartisan by a home rule charter.

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

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

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

SECTION 52. ORS 249.865 is amended to read:

249.865. (1) Pursuant to section 18, Article II of the Oregon Constitution, an elector of the electoral district from which the public officer is elected may file a petition demanding the recall of the public officer. Before the petition is circulated for signatures, the chief petitioner of the petition shall file with the officer authorized to order the recall election a copy of the prospective petition signed by the chief petitioner.

(2) The chief petitioner shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the recall petition. After the prospective petition is filed, the chief petitioner shall notify the filing officer not later than the 10th day after the chief petitioner first has knowledge or should have had knowledge that:

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

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

(3) Each sheet of the recall petition must contain:

(a) The words "Petition for recall of," (name and title of officer) and the date of the filing under subsection (1) of this section; and

(b) The name and address of the treasurer or the chief petitioner listed on the statement of organization filed under **ORS 260.118** [subsection (1) of this section].

(4) Not more than 20 signatures on each sheet of the recall petition shall be counted. The circulator shall certify on each signature sheet that the circulator:

(a) Witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet; and

(b) Believes each individual is an elector.

(5) Any intentional or willful violation of subsection (1) or (2) of this section by a chief petitioner of the recall petition or by the treasurer listed on the statement of organization filed under **ORS 260.118** [subsection (1) of this section] invalidates the prospective petition before it is circulated for signatures.

SECTION 53. ORS 253.575 is amended to read:

253.575. (1) Upon receipt of an application made under ORS 253.565, if the applicant's residence is in the county, the county clerk, without regard to whether the applicant is an elector of the county, shall mail to the applicant a special ballot, instructions for filling in and returning the ballot and an envelope to use for the return. The [name, official title and] office address of the clerk shall appear on the front of the envelope. On the back shall appear a statement to be signed by the absent elector, stating that the elector:

(a) Is qualified to vote; **and**

(b) Unless prevented by physical disability, has personally marked the ballot[; and].

[c] Has not unnecessarily exhibited the marked ballot to any other person.]

(2) The completed and signed application submitted under ORS 253.565 shall constitute a valid registration for the elector.

(3) If the county clerk receives an application for a special ballot on or after the 45th day before the election specified in the application, the county clerk shall treat the application as an application made under ORS 253.540.

(4) A military or overseas elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not received by the elector. The county clerk shall keep a record of each replacement ballot provided under this subsection.

(5) Notwithstanding subsection (3) of this section, a replacement ballot may be mailed or shall be made available in the office of the county clerk.

(6) If the county clerk determines that a military or overseas elector to whom a replacement ballot has been issued at the request of the elector has voted more than once, the county clerk shall not count any ballot cast by the elector. If the county clerk is required to reissue ballots due to a change on the ballot for any reason, that ballot shall be counted in lieu of any previous ballot issued unless:

(a) Only the original ballot was voted and returned; or

(b) The county clerk issued a supplemental ballot that is not a complete replacement of the original ballot.

SECTION 54. 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 primary election and ending on the date of the primary election and the period beginning on the 42nd calendar day before the date of any general election and ending on the date of the general election.

(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]* **on which the recall petition is filed** 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 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 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 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 55. (1)(a) If all or part of chapter _____, Oregon Laws 2017 (Enrolled House Bill 2391), is referred to the people by petition under Article IV, section 1 (3)(b), of the Oregon Constitution:

(A) It shall be submitted to the people for their approval or rejection at a special election held throughout this state on January 23, 2018; and

(B) A special election shall be held throughout this state on January 23, 2018, as provided in sections 55 to 61 of this 2017 Act.

(b) If all or part of chapter _____, Oregon Laws 2017 (Enrolled House Bill 2017), is referred to the people by petition under Article IV, section 1 (3)(b), of the Oregon Constitution:

(A) It shall be submitted to the people for their approval or rejection at a special election held throughout this state on the same date as the next primary election; and

(B) A special election shall be held throughout this state on the same date as the next primary election, as provided in sections 55 to 61 of this 2017 Act.

(2) Except as otherwise provided in subsection (3) or (4) of this section, ORS chapters 250, 251 and 254 apply to an election held on a measure described in subsection (1) of this section.

(3) Notwithstanding ORS 250.035, 250.067, 250.075 (2) and 250.085, the ballot title for a measure described in subsection (1) of this section shall be prepared by the joint legislative committee created under section 60 of this 2017 Act and filed with the Secretary of State not later than the date set by the Secretary of State by rule. The word limits described in ORS 250.035 (2) do not apply to a ballot title prepared by the joint legislative committee under this subsection. Unless modified under section 58 of this 2017 Act, the ballot title prepared by the committee under this subsection shall be the ballot title printed in the voters' pamphlet and printed on, or included with, the ballot.

(4) Notwithstanding ORS 251.205, 251.215, 251.225, 251.230 and 251.235, the explanatory statement to be printed in the voters' pamphlet for a measure described in subsection (1) of this section shall be prepared by the joint legislative committee created under section 60 of this 2017 Act and filed with the Secretary of State not later than the date set by the Secretary of State by rule. Unless modified under section 59 of this 2017 Act, the explanatory statement prepared by the committee under this subsection shall be the explanatory statement printed in the voters' pamphlet.

(5) The committee may begin preparation of the ballot title or explanatory statement on the date that a prospective petition to refer a measure described in subsection (1) of this section is filed with the Secretary of State under ORS 250.045.

(6)(a) Arguments relating to a measure described in subsection (1) of this section may be filed with the Secretary of State under ORS 251.245 and 251.255, except that an argument must be filed not later than the date set by the Secretary of State by rule.

(b) Notwithstanding ORS 192.410 to 192.505 relating to public records, an argument filed under this subsection is exempt from public inspection until the fourth business day after the deadline for filing the argument.

(7) Notwithstanding the time frames set forth in ORS 250.125 and 250.127, the financial estimate committee created under ORS 250.125 shall prepare and 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, except that the committee shall prepare and file the estimates or statements not later than the date set by the Secretary of State by rule. The financial estimate committee may begin preparation of the estimate or statement on the date that a prospective petition to refer a measure described in subsection (1) of this section is filed with the Secretary of State under ORS 250.045.

(8) Notwithstanding ORS 250.131 (2), the Supreme Court shall conduct a review under ORS 250.131 if a petition is filed not later than the date set by the Secretary of State by rule.

(9) As used in sections 55 to 61 of this 2017 Act, "measure" has the meaning given that term in ORS 250.005.

SECTION 56. (1) The Secretary of State shall cause to be printed in the voters' pamphlet the number, ballot title and text of a measure described in section 55 of this 2017 Act and the financial estimate, explanatory statement and arguments relating to the measure. The Secretary of State shall also cause to be printed in the voters' pamphlet any other material required by law. Notwithstanding ORS 251.026, the Secretary of State shall include in the voters' pamphlet the information or statements described in ORS 251.026 that the Secretary of State considers applicable to the election on a measure described in section 55 of this 2017 Act.

(2) For purposes of sections 55 to 61 of this 2017 Act, the election referred to in ORS 251.295 is the special election held on the date specified in section 55 of this 2017 Act.

(3) If the measure described in section 55 (1)(a) of this 2017 Act is referred to the people by petition under Article IV, section 1 (3)(b), of the Oregon Constitution:

(a) Notwithstanding ORS 251.285 and subject to ORS 251.008, the measure referred to in this subsection shall be the only measure included in the voters' pamphlet prepared for the special election held on January 23, 2018.

(b) Not later than the 10th day before the election, the Secretary of State shall cause the voters' pamphlet to be mailed to each post-office mailing address in Oregon and may use any additional means of distribution necessary to make the pamphlet available to electors.

(c) In preparing the voters' pamphlet for the special election to be held on January 23, 2018, the Secretary of State is not required to comply with ORS chapter 279B relating to competitive bidding.

SECTION 57. (1) Notwithstanding the deadline in ORS 254.085, the Secretary of State shall prepare and deliver to each county clerk by the most expeditious means practicable a

certified statement of a measure described in section 55 of this 2017 Act. The Secretary of State shall include with the statement the number, financial estimate and ballot title of the measure, and any other information required by law. The Secretary of State shall keep a copy of the statement.

(2) The county clerks shall print on the ballot the number, financial estimate and ballot title of the measure, along with any other material required by law. In lieu of printing the financial estimate, the summary portion of the ballot title or other material required by law on the ballot, a county clerk may include with the ballot the complete text of the ballot title, the financial estimate and any other material required by law.

SECTION 58. Notwithstanding ORS 250.085:

(1) Any elector dissatisfied with the ballot title for a measure described in section 55 of this 2017 Act prepared by the joint legislative committee created under section 60 of this 2017 Act may petition the Supreme Court seeking a different ballot title. The petition shall state the reasons that the ballot title filed with the Secretary of State does not substantially comply with the requirements of ORS 250.035 and section 55 of this 2017 Act.

(2) The petition shall name the Attorney General as the respondent and must be filed not later than the fifth business day after the Legislative Assembly files the ballot title with the Secretary of State.

(3) An elector filing a petition under this section shall notify the Secretary of State in writing that the petition has been filed. The notice must be received in the office of the Secretary of State not later than 5 p.m. on the next business day following the day the petition is filed.

(4) The Supreme Court shall review the ballot title for substantial compliance with the requirements of ORS 250.035 and section 55 of this 2017 Act.

(5) The review by the Supreme Court shall be conducted expeditiously to ensure the orderly and timely conduct of the election at which the measure is to be submitted to the electors.

(6) If the Supreme Court determines that the ballot title prepared by the Legislative Assembly substantially complies with the requirements of ORS 250.035 and section 55 of this 2017 Act, the court shall certify the ballot title to the Secretary of State. If the Supreme Court determines that the ballot title prepared by the Legislative Assembly does not substantially comply with the requirements of ORS 250.035 and section 55 of this 2017 Act, the court shall modify the ballot title and certify the ballot title to the Secretary of State or refer the ballot title to the Attorney General for modification.

(7) Not later than five business days after the Supreme Court refers a ballot title to the Attorney General for modification under this section, the Attorney General shall certify a modified ballot title to the Secretary of State. The modified ballot title is not subject to judicial review.

SECTION 59. Notwithstanding ORS 251.235:

(1) Any person dissatisfied with the explanatory statement for a measure described in section 55 of this 2017 Act prepared by the joint legislative committee created under section 60 of this 2017 Act may petition the Supreme Court seeking a different explanatory statement and stating the reasons the explanatory statement filed with the court is insufficient or unclear.

(2) The court shall review the explanatory statement and certify an explanatory statement to the Secretary of State if the petition is filed and served as required in subsection (4) of this section not later than the fifth business day after the Legislative Assembly files the explanatory statement with the Secretary of State.

(3) Failure to file and serve the petition within the time prescribed in subsection (2) of this section precludes Supreme Court review and certification of an explanatory statement. If the court considers the petition, the court may allow oral argument. The review by the Supreme Court shall be conducted expeditiously to ensure the orderly and timely conduct

of the election at which the measure is to be submitted to the electors. The explanatory statement certified by the court shall be the explanatory statement printed in the voters' pamphlet.

(4) At the time a person petitions the Supreme Court under subsection (1) of this section, the person also shall serve a copy of the petition on:

- (a) The Attorney General;
- (b) The Legislative Assembly; and
- (c) The chief petitioners of the measure.

SECTION 60. (1) For each measure described in section 55 of this 2017 Act, a joint legislative committee consisting of three Senators and three Representatives shall be appointed to prepare the ballot title and explanatory statement for the measure.

(2)(a) The President of the Senate shall appoint three members of a committee from among members of the Senate, two from the majority party and one from the minority party.

(b) The Speaker of the House of Representatives shall appoint three members of a committee from among members of the House of Representatives, two from the majority party and one from the minority party.

SECTION 61. The Secretary of State shall adopt rules governing the procedures for conducting an election on a measure described in section 55 of this 2017 Act as may be necessary to implement sections 55 to 61 of this 2017 Act.

SECTION 62. ORS 247.435 is repealed.

SECTION 63. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by Senate May 24, 2017

Received by Governor:

Repassed by Senate July 6, 2017

.....M.,....., 2017

Approved:

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Lori L. Brocker, Secretary of Senate

.....M.,....., 2017

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Peter Courtney, President of Senate

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Kate Brown, Governor

Passed by House July 6, 2017

Filed in Office of Secretary of State:

.....M.,....., 2017

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Tina Kotek, Speaker of House

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Dennis Richardson, Secretary of State