

STAR VOTING FOR OREGON ACT
(includes Presidential elections)

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

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

SECTION 1. Legislative Findings.

The People of the State of Oregon find that:

- (1) Upgrading our electoral system to a modern, user-friendly, and more accurate voting method would significantly improve Oregon's political landscape by ensuring that every voter can vote their conscience, that our votes are able to make a difference, and that our system elects winners who better represent the will of the people.**
- (2) Modern electoral science has consistently shown that STAR Voting is the best voting method available to empower voters, to level the playing field, to remove barriers to entry for candidates, and to ensure our elections are fair and representative.**
- (3) The current voting method used in most Oregon elections, in which a voter can vote for only one candidate and the candidate with the most votes wins, is fundamentally flawed:**
 - (a) Voting for one's honest favorite can and often does backfire, if a voter's favorite isn't strong enough to win, and voters must strategically vote for a "lesser-of-two-evils" candidate to avoid wasting their votes.**
 - (b) This is due to a problem known as vote-splitting, where like-minded voters can end up effectively divided and conquered. Vote-splitting is common in elections with more than two candidates, even if the third candidate has no chance of winning. When vote-splitting results in the election of a candidate opposed by the majority of voters, it is known as the "Spoiler Effect."**
 - (c) Candidates who may have brought valuable ideas to the table are often pressured not to run because of vote-splitting concerns. Vote-splitting also makes elections subject to manipulation, and political operatives can fund non-viable candidates they actually oppose in order to split the vote and game the election.**
 - (d) The current system increases polarization and leads to two-party domination because it only works accurately with two candidates in the race. When there are more candidates, voters have to align with one of the two perceived front runners to avoid wasting their votes.**
 - (e) Voting for an underfunded candidate who may not be viable runs the risk of "wasting" your vote, so vote-splitting magnifies the already outsized influence of money in politics.**
 - (f) These problems are all easily solved by STAR Voting.**
- (4) STAR Voting uses a simple, familiar, five-star rating style ballot:**
 - (a) In STAR Voting, voters fill in the bubbles to score candidates from zero up to five stars. Voters give their favorite(s) five stars, their last choice(s) zero stars, and score other candidates as they like. The five-star ballot allows voters to show their preference order and indicate their level of support for all of the candidates. Voters are allowed to give candidates the same score, if they support them equally. Candidates left blank receive zero stars.**

- (b) **STAR Voting ballots are counted using a two step process:**
 - (A) **Scoring Round:** The scores from all ballots are added to determine the total score received by each candidate. The two highest scoring candidates are finalists who advance to an automatic runoff round.
 - (B) **Runoff Round:** The runoff round identifies the finalist who was preferred by more voters, with each ballot counted as one vote for the finalist that the voter scored higher. The finalist with the most votes wins.
- (5) **STAR Voting eliminates vote-splitting and elects more representative winners, even in competitive elections with larger fields of candidates.**
 - (a) **In STAR Voting, parties or factions which have more candidates running for office are not unfairly disadvantaged.**
 - (b) **STAR Voting strongly incentivizes voters to vote their conscience: to give their true favorite(s) five stars and to show their honest preference order among the other candidates on their ballot.**
 - (c) **In STAR Voting, whether or not a voter's favorite can win, their vote will make a difference, helping elect the finalist the voter prefers in the runoff round.**
 - (d) **STAR Voting elects majority-preferred winners.**
- (6) **STAR Voting was invented, in part, to address well-documented shortcomings of another alternative voting method, the 150-year old Instant Runoff Voting method, commonly known as Ranked Choice Voting, which has demonstrably failed to deliver on many of its promised advantages.**
 - (a) **Ranked Choice allows voters to rank their choices but fails to count all of those rankings due to the tournament-style elimination process used. Ignoring voters' ballot data can skew the results of the election, producing counter-intuitive and unrepresentative results in close, competitive races.**
 - (b) **Ranked Choice requires the centralized processing of ballots, while Oregon law requires local county-by-county processing of ballots to maintain auditability and election integrity standards.**
 - (c) **Despite claims that Ranked Choice eliminates vote-splitting, elects majority winners, doesn't waste votes, that it's safe to vote your conscience, and that if your favorite is eliminated your next choice will be counted, real world elections have shown that these claims are not true for all elections.**
 - (d) **Ranked Choice has been repealed in a number of jurisdictions, is unconstitutional in a number of states, and has been banned by legislatures in three others.**
 - (e) **STAR Voting is the culmination of decades of research, innovation, and advances in the field of election science and does not exhibit the above problems. STAR Voting is a nationally viable proposal.**
- (7) **STAR Voting offers a viable and user friendly alternative that:**
 - (a) **levels the playing field, reducing barriers to entry for candidates to run for office;**
 - (b) **empowers voters to support candidates, whether or not the candidates are well-funded, are incumbents, or are seen as front-runners;**

- (c) ensures that, if your favorite candidate can't win, your vote can still make a difference, which prevents wasted votes and makes strategic voting unnecessary;
 - (d) offers transparent processing, tabulation, and results;
 - (e) is logistically viable, legal, constitutional, and secure;
 - (f) ensures that every voter has an equally powerful vote, that the process is more inclusive, and that outcomes are more fair and representative;
 - (g) helps encourage disillusioned and disenfranchised voters to get involved and participate by ensuring that their votes can make a difference;
 - (h) gives voters more choices on their ballots while making the political process less polarized, less toxic, and more representative of Oregonians;
 - (i) is led by a local Oregon electoral reform movement, not out-of-state lobbyists;
 - (j) is compatible with Oregon's current electoral processes, equipment, and infrastructure;
 - (k) saves candidates and taxpayers money by eliminating the need for primaries in most non-partisan elections;
 - (l) has been successfully used for statewide party elections by both the Democratic Party and the Independent Party of Oregon and by county parties on both sides of the Cascades;
 - (m) has been authorized for use by the Libertarian Party of Oregon and endorsed by the Oregon Progressive Party; and
 - (n) has been proposed in bills to authorize STAR Voting at the statewide level submitted by both Republican and Democratic legislators in multiple states.
- (8) This "STAR Voting for Oregon" Act will:
- (a) make STAR Voting the default voting method for Oregon elections at every level (local, statewide, and federal offices), including presidential primaries and general elections in Oregon;
 - (b) save money by eliminating unnecessary primary elections; and
 - (c) make Oregon a model for more fair and representative elections.

SECTION 2. Sections 3 through 6 and 9 through 11 of this 2024 Act are added to and made a part of ORS chapter 254.

SECTION 3. Method of STAR Voting.

- (1) The method of voting set forth in this Act is known as STAR Voting and shall be referred to by the name "STAR Voting."
- (2) For each seat up for election by means of STAR Voting, votes shall be tallied using a two-round process which consists of a scoring round and an automatic runoff round. The scoring round shall calculate the sum total of the scores received by each candidate and determine the two candidates who received the greatest total scores. Those two candidates shall be the finalists and shall advance to the automatic runoff round, where the finalist preferred by more voters wins.

(3) Characteristics of the ballot:

- (a) The ballot shall specify the number of positions up for election, if the number is more than one.**
- (b) The ballot shall provide each elector the option to score each candidate for an office from zero to five stars.**
- (c) The scoring scale shall be labeled "worst" (0 stars) to "best" (5 stars).**
- (d) Each elector may score each candidate for an office from zero to five, independently of how the elector scores any of the other candidates for the elected office. An elector may give the same score to multiple candidates in the same race.**
- (e) If the elector does not specify a score for a candidate, the score assigned is zero.**
- (f) Every ballot using STAR Voting shall inform the elector of how to vote, how votes are to be cast, and how votes will be tallied as described under subsections (4) - (5) of this section.**
- (g) The instructions on the ballot shall state, at a minimum, the following basic information in clear and accessible language:**
 - (A) The elector should give the most favored candidate in each race five stars.**
 - (B) The elector should give the least favored candidate in each race zero stars.**
 - (C) Electors may score other candidates as they choose. Scores given indicate preference order and level of support.**
 - (D) An elector may give equal scores to multiple candidates in the same race.**
 - (E) Candidates left blank receive zero stars.**

(4) In the scoring round:

- (a) The vote tally system or counting board shall add the total scores given to each candidate from all ballots.**
- (b) For each office, the two candidates who have the highest total scores shall be the finalists and advance to an automatic runoff round.**

(5) In the automatic runoff round:

- (a) Each elector's vote shall be considered cast in favor of the finalist to whom that elector gave the higher score. If an elector gave both finalists the same score, that elector's ballot will be considered a vote of no preference between the finalists.**
- (b) The finalist in whose favor a greater number of votes are cast as determined under paragraph (a) of this subsection shall be the winner.**

(6) If more than one seat is to be filled for a given nomination or office, the following STAR Voting multi-winner method shall be used:

- (a) The first winner, as determined pursuant to subsections (4) - (5) of this section, is removed from the calculations.**

- (b) The two remaining candidates who have the highest total scores shall be the finalists for the second seat and shall advance to an automatic runoff round, which shall be conducted as specified in subsection (5) of this section in order to determine the next winner.
- (c) This process of removing winners from the calculations, advancing the two highest-scoring remaining candidates to the runoff round, and determining the additional winner as specified in subsection (5) of this section shall be repeated as many times as necessary to fill the available seats.
- (7) The winner of each automatic runoff shall be entitled to a certificate of election to office and shall be considered the person who received the highest number of votes cast for purposes of ORS 254.065.
- (8) Ties in STAR Voting that affect the outcome of the election shall be resolved as follows:
 - (a) A tie in the scoring round shall be determined in favor of the candidate or candidates who were preferred (scored higher) by more voters than any other of the tied candidates, if possible.
 - (b) A tie in the automatic runoff round shall be determined in favor of the candidate with the highest overall score in the scoring round, if possible.
 - (c) If the above methods do not resolve a tie, it may be resolved under rules adopted by the Secretary of State not later than 60 days prior to the date of the election.
 - (d) If a tie is not resolved by any of the above methods or by Secretary of State rules, the election shall be declared to be a tie and shall be resolved pursuant to ORS 254.575 or applicable local government law.
- (9) The Secretary of State may adopt rules necessary for the implementation of this 2024 Act.

SECTION 4. Scope of STAR Voting.

STAR Voting, as conducted in the method set forth in section 3 of this 2024 Act, shall be used to determine the nomination for and election to the following elected offices:

- (1) All state offices, including:
 - (a) those elected by voters statewide;
 - (b) State Senator and State Representative;
 - (c) Circuit Court Judge; and
 - (d) District Attorney.
- (2) All county, city, district, special district, and metropolitan service district offices, except where the legislative governing authority has adopted for its elections:
 - (a) Ranked Choice Voting or Approval Voting, adopted before the effective date of this 2024 Act; or
 - (b) Any voting method other than STAR Voting, adopted after the effective date of this 2024 Act.
- (3) All federal offices, including President, Senator, and Representative.
- (4) When STAR Voting is used to determine the winner(s) of an election to a nonpartisan office, there shall be no primary election as the default. Candidates may file declarations of candidacy up to 70 days before the date of the general election.

- (5) The governing body of any jurisdiction which holds nonpartisan elections may choose to have a primary election for some or all of its nonpartisan offices, particularly in areas which frequently have large fields of candidates. That decision must be made at least 300 days before the date of the next general election for the nonpartisan office at issue. Such primary elections shall be conducted as follows:
- (a) Candidates shall file nominating petitions or declarations of candidacy by the deadline established by ORS 249.037.
 - (b) If five or fewer candidates file timely nominating petitions or declarations of candidacy for a particular office, no primary election for that office shall occur, and all candidates for that office shall advance to the general election.
 - (c) If more than five candidates file timely nominating petitions or declarations of candidacy for a particular office, the primary election for that office shall use the STAR Voting multi-winner method set forth in subsection (6) of Section 3 of this 2024 Act to advance five candidates for that office to the general election.
- (6) If Oregon law provides that a partisan primary election is open to all candidates and electors regardless of political party affiliation or non-affiliation:
- (a) The election shall be conducted as set forth in paragraphs (a) through (c) of subsection (5) of Section 4 of this 2024 Act.
 - (b) In both the primary and associated general election, the county clerk shall print on the ballot, with the name of the candidate, the names of up to three political parties (qualified under ORS chapter 248) that have officially endorsed the candidate, if those endorsements have been accepted by the candidate and have been filed with the elections officer not later than the 61st day before the date of the election.

SECTION 5. Presidential Elections.

- (1) Any government funded primary election to determine a political party's presidential nomination shall use STAR Voting.
- (2) Delegates to a political party's national convention shall be allocated by either of the following methods:
 - (a) in proportion to the STAR Voting automatic runoff votes received by each finalist; or
 - (b) in proportion to each candidate's popular vote determined in accordance with Section 6 of this 2024 Act.
- (3) STAR Voting shall be used to determine the winning candidates (President and Vice-President) in the general election.

SECTION 6. "Popular Vote" under STAR Voting.

- (1) The "popular vote" under STAR Voting shall be determined as follows: Each candidate shall receive a "popular vote" from a voter, if on that voter's ballot the candidate received the highest score given for the office sought. If multiple candidates received the highest score given, each shall receive one popular vote.

- (2) **For the purpose of summing and reporting votes across jurisdictions which use different voting methods, under STAR Voting each candidate shall receive a number of votes equal to the "popular vote" as determined pursuant to subsection (1) of this section.**
- (3) **For purposes of maintaining status as a minor party under ORS 248.008, under STAR Voting each minor party candidate shall receive a number of votes equal to the "popular vote" as determined pursuant to subsection (1) of this section.**

SECTION 7. ORS 254.065 is amended to read:

254.065. Person receiving most votes nominated or elected; measure adopted by majority of votes; when measure conflicts.

- (1) (a) **Except as provided in paragraph (b) of this subsection, w[*When*]hen one person is to be nominated for or elected to an office, the person receiving the highest number of votes shall be nominated or elected. When more than one person is to be nominated for or elected to a single office, the persons receiving the higher number of votes shall be nominated or elected. This subsection does not apply to a candidate for election to an office at a general election if the election for the office must be held at a special election as described in ORS 254.650.**

(b) **When a nomination for or election to an office is determined by STAR Voting, a determination of which person has received the highest number of votes shall be done by the method set forth in this 2024 Act.**
- (2) No measure shall be adopted unless it receives an affirmative majority of the total votes cast on the measure. If two or more conflicting laws, or amendments to the Constitution or charter, are approved at the same election, the law, or amendment, receiving the greatest number of affirmative votes shall be paramount regarding each conflict, even though the law, or amendment, may not have received the greatest majority of affirmative votes.

SECTION 8. ORS 254.145 is amended to read:

254.145. Design and contents of official ballots.

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

(b) The names of candidates for the offices of President and Vice President of the United States shall be arranged in groups.
- (2) Except as provided in ORS 254.125 and 254.135 and this section, no information about the candidate, including any title or designation, other than the candidate's name, may appear on the ballot.
- (3) Spaces shall be provided for any offices appearing on the ballot in which the elector may write the name of any person not printed on the ballot. If a voting machine is used, spaces shall be provided on the ballot, or on separate material delivered to the elector with the ballot, in which the elector may write or enter the names of persons for any offices appearing on the ballot.
- (4) On the left margin of the ballot, the name of each group or candidate may be numbered. The blank spaces may not be numbered. A particular number may not be used to designate more than one candidate at any election.
- (5) The names of all candidates for the same office shall be listed in the same column on the ballot. If more than one column is needed to list names of all candidates for that office, the names may be arranged in one or

more columns in block form. The block shall be set apart by rulings under the title of the office. If a blank space follows the list of candidates, the space shall be in the same column as the names of candidates for that office. If blocks of columns are used, blank spaces shall be included within the ruled block.

- (6) The ballot shall be clearly marked to indicate when names of candidates for the office are continued on the following page.
- (7) When a measure is submitted to the people, the number, ballot title and financial estimates under ORS 250.125 of each measure shall be printed after the list of candidates. A measure referred by the Legislative Assembly shall be designated "Referred to the People by the Legislative Assembly." A state measure referred by petition shall be designated "Referendum Order by Petition of the People." A state measure proposed by initiative petition shall be designated "Proposed by Initiative Petition."
- (8) The ballot shall be printed to give the elector a clear opportunity to designate the elector's choice or choices for candidates and approval or rejection of measures submitted.
 - (a) **When an elector is allowed to make only one choice or answer and [If]** a voting machine is not used, the elector shall indicate a preference by making a cross or check mark inside a voting square corresponding to the candidate or answer for which the elector wishes to vote. A voting square may be printed on the blank, write-in vote spaces. However, the elector is not required to place a mark in the voting square corresponding to a name written in a blank space. Words shall be printed on the ballot to aid the elector, such as "Vote for one," "Vote for three," and regarding measures, "Yes" and "No."
 - (b) **When a nomination for or an election to an office is determined by STAR Voting as provided in this 2024 Act, the ballot shall enable the elector to score from zero to five stars each of the candidates appearing on the ballot for the office.**

SECTION 9. Funding.

To the extent that administering the provisions of this 2024 Act require additional funding, the Legislative Assembly shall appropriate, allocate or otherwise make available all necessary amounts from the General Fund.

SECTION 10. Conflicts, Severability, and Jurisprudence.

- (1) **To the extent any conflict exists, the provisions of this Act shall supersede any other law.**
- (2) **For purposes of determining the constitutionality of the provisions of this Act, every section, subsection and subdivision thereof shall be evaluated separately. If any section, subsection or subdivision thereof is held invalid, the remaining sections, subsections and subdivisions thereof shall remain in full force and effect. The courts shall sever any sections, subsections or subdivisions thereof necessary to render this Act consistent with the United States Constitution, Oregon Constitution and federal law. Each section, subsection and subdivision thereof shall be considered severable, individually or in any combination.**

SECTION 11. Operative Date and Preparation to Implement.

- (1) **This 2024 Act becomes operative on January 1, 2025.**
- (2) **The Secretary of State and county clerks may take any action before the operative date specified in subsection (1) of this section that is necessary to enable them to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on them by this 2024 Act.**