

House Joint Resolution 35

Sponsored by Representative KRUMMEL (at the request of Oregon State Grange)

SUMMARY

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

Proposes amendment to Oregon Constitution to modify manner of electing judges. Specifies that if name of only one candidate will be listed on ballot at general election, ballot must contain option of voting "No." Provides that position becomes vacant if more votes are cast for option of "No" than for any candidate. Prohibits candidate so defeated from being appointed to position of judge. Permits additional legislation on subject.

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

JOINT RESOLUTION

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2 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

3 **PARAGRAPH 1.** The Constitution of the State of Oregon is amended by creating a new section
4 1b to be added to and made a part of Article VII (Amended), and by amending section 1, Article
5 VII (Amended), such sections to read:

6 **Sec. 1. (1)** The judicial power of the state shall be vested in one supreme court and in such
7 other courts as may from time to time be created by law. **The judges of the Supreme Court, Court**
8 **of Appeals, Oregon Tax Court and circuit courts shall be elected as provided in subsection**
9 **(2) of this section.** The judges of the supreme and other courts shall be elected by the legal voters
10 of the state or of their respective districts for a term of six years[, *and*]. **All judges of the supreme**
11 **court and of such other courts as may from time to time be created by law** shall receive such
12 compensation as may be provided by law, which compensation shall not be diminished during the
13 term for which they are elected.

14 **(2)(a)** An election to fill the office of judge of the Supreme Court, Court of Appeals,
15 Oregon Tax Court or circuit court is subject to this subsection. Positions subject to this
16 subsection shall be filled at the general election. If only one candidate is listed on the ballot
17 at the general election for a position subject to this subsection, in addition to the name of
18 the candidate for the position, there shall be placed on the ballot an option of "No."
19 Notwithstanding section 16, Article II of this Constitution, the candidate who receives the
20 most votes in the election shall be elected to the position, unless the option of "No" receives
21 more votes than any candidate. If more votes are cast for the option of "No" than for any
22 candidate, the office shall be vacant on the first day of the next term of office. Any candidate
23 in an election in which the option of "No" receives more votes than any of the candidates
24 may not be appointed to fill a vacancy resulting from the operation of this subsection.

25 **(b)** Additional provisions, consistent with this subsection, governing the appointment and
26 election of judges of the Supreme Court, Court of Appeals, Oregon Tax Court or circuit
27 courts may be established by law.

28 **SECTION 1b. (1)** The amendment to section 1 of this Article by House Joint Resolution

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

1 **35 (2007) first applies to the primary and general elections held in 2010.**

2 **(2) This section is repealed January 1, 2011.**

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4 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**
5 **people for their approval or rejection at the next regular general election held throughout**
6 **this state.**

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