

Enrolled
House Bill 2621

Sponsored by Representative ROBLAN; Representative BUCKLEY

CHAPTER

AN ACT

Relating to ballots; creating new provisions; amending ORS 254.165 and 254.650; and declaring an emergency.

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

SECTION 1. ORS 254.165 is amended to read:

254.165. (1) If the filing officer determines that a candidate has died, withdrawn or become disqualified, or that the candidate will not qualify in time for the office if elected, the name of the candidate may not be printed on the ballots or, if they have already been printed, shall be erased or canceled before the ballots are delivered to the electors. The name of a candidate nominated to fill a vacancy in nomination or office shall be printed on the ballots or, if they have already been printed, the county clerk shall cause the name to appear on the ballots before the ballots are delivered to the electors. A filing officer, other than the Secretary of State, shall notify the Secretary of State of any action taken under this section.

(2) Subsection (1) of this section does not apply if the filing officer makes the determination under subsection (1) of this section on or after the [30th] 47th day before the date of the election.

(3) As used in this section:

(a) "District" means a district defined in ORS 255.012.

(b) "Filing officer" means the:

(A) Secretary of State, regarding a candidate for a state office or an office to be voted on in the state at large or in a congressional district.

(B) County clerk, regarding a candidate for a county office.

(C) County clerk of the county in which the administrative office of the district is located, regarding a candidate for a district office to be voted on in a district located in more than one county.

(D) County clerk, regarding a candidate for a district office to be voted on in a district situated wholly within the county.

(E) City clerk, auditor or recorder, regarding a candidate for a city office.

SECTION 2. ORS 254.650 is amended to read:

254.650. (1) If the Secretary of State determines that a vacancy exists in the nomination of a candidate of a major political party for state office, that the vacancy is due to the death of the candidate and that the vacancy occurred after the [30th] 47th day before the date of the general election:

(a) The election for that state office may not be held at the general election;

(b) The county clerks may not count ballots cast for candidates for that state office at the general election; and

(c) The Secretary of State shall order a special election as provided in ORS 254.655.

- (2) The candidates listed on the ballot at the special election shall be:
- (a) The candidates who were listed on the general election ballot, other than the candidate whose nomination became vacant; and
 - (b) The candidate selected to fill the vacancy in the nomination as provided in ORS 249.190 or 249.205.
- (3) As used in this section "state office" means the office of Governor, Secretary of State, State Treasurer, Attorney General, state Senator or state Representative.

SECTION 3. The amendments to ORS 254.165 and 254.650 by sections 1 and 2 of this 2009 Act apply to vacancies that occur on or after the effective date of this 2009 Act.

SECTION 4. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

Passed by House March 12, 2009

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 Chief Clerk of House

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 Speaker of House

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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 Governor

Passed by Senate May 21, 2009

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 President of Senate

Filed in Office of Secretary of State:

.....M,....., 2009

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 Secretary of State