

House Bill 3042

Sponsored by Representative BARTON

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**.

Designates office of county commissioner as nonpartisan.

A BILL FOR AN ACT

1
2 Relating to nonpartisan offices; creating new provisions; and amending ORS 249.002, 249.088, 249.091
3 and 254.005.

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

5 **SECTION 1.** ORS 249.002 is amended to read:

6 249.002. As used in this chapter:

7 (1) "Candidate" means an individual whose name is or is expected to be printed on the official
8 ballot.

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

10 (3) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-
11 tution.

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

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

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

17 (7) "Nonpartisan office" means the office of judge, Superintendent of Public Instruction, Com-
18 missioner of the Bureau of Labor and Industries, any elected office of a metropolitan service district
19 under ORS chapter 268, justice of the peace, county clerk, county assessor, county surveyor, county
20 treasurer, **county commissioner**, sheriff, district attorney or any office designated nonpartisan by
21 a home rule charter.

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

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

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

29 **SECTION 2.** ORS 249.088 is amended to read:

30 249.088. *[(1) Unless otherwise provided by a home rule charter, at the nominating election held on*
31 *the date of the primary election, two candidates shall be nominated for the nonpartisan office. However,*
32 *when a candidate, other than a candidate for the office of sheriff, a candidate for the office of county*

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 *clerk, a candidate for the office of county treasurer or a candidate to fill a vacancy, receives a majority*
 2 *of the votes cast for the office at the nominating election, that candidate is elected.]*

3 **[(2)] (1) Subject to the provisions of a home rule charter, at the nominating election held**
 4 **on the date of the primary election:**

5 **(a) A candidate for nonpartisan office who receives a majority of votes cast for the office**
 6 **at the election is elected.**

7 **(b) If no candidate for nonpartisan office receives a majority of votes cast for the office,**
 8 **the two candidates receiving the highest number of votes are nominated.**

9 **(2) Notwithstanding subsection (1)(a) of this section,** when a candidate for the office of
 10 sheriff, [*the office of*] county clerk, [*the office of*] county treasurer **or county commissioner** or a
 11 candidate to fill a vacancy receives a majority of votes cast for the office at the nominating election
 12 **held on the date of the primary election,** that candidate alone is nominated.

13 **SECTION 3.** ORS 249.091 is amended to read:

14 249.091. Unless otherwise provided by a home rule charter, if a nominating petition or declara-
 15 tion of candidacy is filed by no more than two candidates for the office of sheriff, [*the office of*]
 16 county treasurer, [*or the office of*] county clerk **or county commissioner** or by no more than two
 17 candidates to fill a vacancy in a nonpartisan office:

18 (1) The candidate or candidates shall be the nominee or nominees for the office; and

19 (2) The name or names of the candidate or candidates may not be printed on the ballot at the
 20 nominating election.

21 **SECTION 4.** ORS 254.005 is amended to read:

22 254.005. As used in this chapter:

23 (1) "Ballot" means any material on which votes may be cast for candidates or measures. In the
 24 case of a recall election, "ballot" includes material posted in a voting compartment or delivered to
 25 an elector by mail.

26 (2) "Chief elections officer" means the:

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

29 (b) County clerk, regarding a candidate for a county office, or a measure to be voted on in a
 30 county only.

31 (c) City clerk, auditor or recorder, regarding a candidate for a city office, or a measure to be
 32 voted on in a city only.

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

34 (4) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-
 35 tution.

36 (5) "Major political party" means a political party that has qualified as a major political party
 37 under ORS 248.006.

38 (6) "Measure" includes any of the following submitted to the people for their approval or re-
 39 jection at an election:

40 (a) A proposed law.

41 (b) An Act or part of an Act of the Legislative Assembly.

42 (c) A revision of or amendment to the Oregon Constitution.

43 (d) Local, special or municipal legislation.

44 (e) A proposition or question.

45 (7) "Minor political party" means a political party that has qualified as a minor political party

1 under ORS 248.008.

2 (8) "Nonpartisan office" means the office of judge of the Supreme Court, Court of Appeals, cir-
3 cuit court or the Oregon Tax Court, Superintendent of Public Instruction, Commissioner of the Bu-
4 reau of Labor and Industries, any elected office of a metropolitan service district under ORS chapter
5 268, justice of the peace, county clerk, county assessor, county surveyor, county treasurer, **county**
6 **commissioner**, county judge who exercises judicial functions, sheriff, district attorney or any office
7 designated nonpartisan by a home rule charter.

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

10 (10) "Regular district election" means the election held each year for the purpose of electing
11 members of a district board as defined in ORS 255.005 (2).

12 (11) "Vote tally system" means one or more pieces of equipment necessary to examine and tally
13 automatically the marked ballots.

14 (12) "Voting machine" means any device that will record every vote cast on candidates and
15 measures and that will either internally or externally total all votes cast on that device.

16 **SECTION 5. The amendments to ORS 249.002, 249.088, 249.091 and 254.005 by sections 1**
17 **to 4 of this 2009 Act apply to nominations for and appointments and elections to the office**
18 **of county commissioner occurring on or after the effective date of this 2009 Act.**

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