

# Enrolled Senate Bill 344

Sponsored by Senator GEORGE

CHAPTER .....

AN ACT

Relating to county officers; creating new provisions; amending ORS 202.110, 204.005, 204.010, 204.016, 204.020, 249.002 and 254.005; and declaring an emergency.

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

**SECTION 1.** ORS 204.005 is amended to read:

204.005. (1) The following county officers shall be elected at the primary election or general election, as provided in ORS 249.088:

[(1)] (a) A sheriff.

[(2)] (b) A county clerk.

[(3)] (c) A county assessor.

[(4)] (d) A county treasurer.

[(5)] *A county surveyor.*

[(6)] (e) A county commissioner to succeed any commissioner whose term of office expires the following January.

[(7)] (f) In any county where there is a vacancy from any cause in the office of county commissioner, an additional commissioner to fill the vacancy.

**(2) Unless an adopted county charter or a county ordinance provides otherwise, the governing body of a county shall appoint a county surveyor.**

**SECTION 2.** ORS 204.016 is amended to read:

204.016. (1) A person is not eligible to **serve in** any office listed in ORS 204.005 unless the person is a citizen of the United States[,] **and** an elector under the Oregon Constitution.

**(2) A person is not eligible to serve in any elective office listed in ORS 204.005 unless the person meets the requirements of subsection (1) of this section and in addition is [and] a resident of the county [wherein] in which the person is elected for the period of one year [next] preceding the next election[, except that in counties of less than 25,000 population the requirement of residency in the county wherein the person is elected does not apply to the county surveyor].**

[(2)] (3) A person is not eligible to be a candidate for election or appointment to the office of county surveyor unless registered under the laws of this state as a registered professional land surveyor.

[(3)] (4) A person is not eligible to be a candidate for election or appointment to the office of county assessor unless:

(a) The person has qualified as a registered appraiser or is an appraiser trainee under ORS 308.015 and if an appraiser trainee, notwithstanding ORS 308.015, becomes a registered appraiser within two years after taking office; and

(b) The person either has two years of office and accounting experience, including experience in office management activities, or has two years of full-time employment in the office of a county assessor.

[(4)] (5) The Department of Revenue shall prepare applications and questionnaires, and obtain information it may deem necessary to determine that a candidate for the office of county assessor has met the requirements of **subsection (4) of this section**, and shall furnish to applicants suitable certificates evidencing satisfactory compliance with the required qualifications.

**SECTION 3.** ORS 204.010 is amended to read:

204.010. (1) Except as provided in subsection (2) of this section, the term of office of each officer mentioned in ORS 204.005 is four years.

(2) When two or more county commissioners are elected for one county at a general election and one of them is elected to fill a vacancy, as provided in ORS 204.005 [(7)] (1)(f), one of them shall hold office for two years and the others four years.

**SECTION 4.** ORS 204.020 is amended to read:

204.020. (1) The term of office of each officer [*mentioned in*] **elected pursuant to** ORS 204.005 [*shall commence*] **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 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 5.** ORS 202.110 is amended to read:

202.110. (1) The county judge and the county commissioners appointed under ORS 202.100, acting as a county court, shall appoint a sheriff, a county clerk, a county assessor, a county treasurer and a county surveyor. An officer appointed under this subsection must be an elector of the new county and must accept and qualify for the office under ORS 204.016 and 204.020 before beginning service. The officers, **except the county surveyor**, appointed under this subsection shall serve until the first Monday in January after the election at which their successors are elected. **The county surveyor appointed pursuant to this section serves for the term specified in ORS 204.010.**

(2) At the next practicable general election following the appointment, successors to the county officers, **except the county surveyor**, appointed under subsection (1) of this section shall be elected. The successors shall take office on the first Monday in January next following their election.

(3) All justices and constables in office within the boundaries of any new county shall continue to hold office in such new county during the remainder of their term, and shall give bonds to the new county of the same amount and in the same manner as previously given to the original county in which they were elected or appointed.

(4) At each general election following the general election at which the first county officers under this section are elected, a successor shall be elected to fill any expiring term.

**SECTION 6.** 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.

(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, Superintendent of Public Instruction, 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, Superintendent of Public Instruction, judge, state Senator, state Representative or district attorney.

**SECTION 7.** ORS 254.005 is amended to read:

254.005. As used in this chapter:

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

(2) "Chief elections 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, or a measure to be voted on in the state at large.

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

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

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

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

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

(6) "Measure" includes any of the following submitted to the people for their approval or rejection at an election:

(a) A proposed law.

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

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

(d) Local, special or municipal legislation.

(e) A proposition or question.

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

(8) "Nonpartisan office" means the office of judge of the Supreme Court, Court of Appeals, circuit court or the Oregon Tax Court, Superintendent of Public Instruction, 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, county judge who exercises judicial functions, sheriff, district attorney or any office designated nonpartisan by a home rule charter.

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

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

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

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

**SECTION 8.** The amendments to ORS 204.005 by section 1 of this 2009 Act apply to a vacancy in the office of county surveyor that occurs on or after January 1, 2010.

**SECTION 9.** Notwithstanding ORS 181.665 and 206.015, a person elected to the office of sheriff is considered to have met the minimum training standards for basic police officer certification if the person:

- (1) Served at least 25 years as a police officer in this state;
- (2) Retired from law enforcement under honorable conditions and received or was eligible to receive a Department of Public Safety Standards and Training retirement card;
- (3) Held valid Department of Public Safety Standards and Training certification through the executive level at the time of retirement;
- (4) Previously served as the elected sheriff of a county for not less than four years;
- (5) Is elected to the office of sheriff in a county the governing body of which certifies that the sheriff of the county, as chief executive, primarily provides executive, policymaking, managerial and leadership services; and
- (6) Completes the Department of Public Safety Standards and Training police career officer development courses.

**SECTION 10.** Section 9 of this 2009 Act is repealed on January 2, 2010.

**SECTION 11.** 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 Senate May 5, 2009

Received by Governor:

Repassed by Senate June 15, 2009

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

Approved:

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Secretary of Senate

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

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President of Senate

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Governor

Passed by House June 11, 2009

Filed in Office of Secretary of State:

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Speaker of House

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

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Secretary of State