

Senate Bill 565

Sponsored by Senators STARR, METSGER; Senators GIROD, MORRISETTE, NELSON, WHITSETT, Representatives BENTZ, BERGER, D EDWARDS, ESQUIVEL, GARRARD, GILMAN, HANNA, HUFFMAN, JENSON, KENNEMER, KRIEGER, OLSON, RICHARDSON, THOMPSON

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 offices of Secretary of State, State Treasurer and Attorney General as nonpartisan.

A BILL FOR AN ACT

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

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, **Secretary of State, State Treasurer, At-**
18 **torney General**, Superintendent of Public Instruction, Commissioner of the Bureau of Labor and
19 Industries, any elected office of a metropolitan service district under ORS chapter 268, justice of the
20 peace, county clerk, county assessor, county surveyor, county treasurer, sheriff, district attorney or
21 any office designated nonpartisan by 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 254.005 is amended to read:

30 254.005. As used in this chapter:

31 (1) "Ballot" means any material on which votes may be cast for candidates or measures. In the

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 case of a recall election, “ballot” includes material posted in a voting compartment or delivered to
2 an elector by mail.

3 (2) “Chief elections officer” means the:

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

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

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

10 (3) “County clerk” means the county clerk or the county official in charge of elections.

11 (4) “Elector” means an individual qualified to vote under section 2, Article II, Oregon Consti-
12 tution.

13 (5) “Major political party” means a political party that has qualified as a major political party
14 under ORS 248.006.

15 (6) “Measure” includes any of the following submitted to the people for their approval or re-
16 jection at an election:

17 (a) A proposed law.

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

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

20 (d) Local, special or municipal legislation.

21 (e) A proposition or question.

22 (7) “Minor political party” means a political party that has qualified as a minor political party
23 under ORS 248.008.

24 (8) “Nonpartisan office” means the office of judge of the Supreme Court, Court of Appeals, cir-
25 cuit court or the Oregon Tax Court, **Secretary of State, State Treasurer, Attorney General,**
26 Superintendent of Public Instruction, Commissioner of the Bureau of Labor and Industries, any
27 elected office of a metropolitan service district under ORS chapter 268, justice of the peace, county
28 clerk, county assessor, county surveyor, county treasurer, county judge who exercises judicial
29 functions, sheriff, district attorney or any office designated nonpartisan by a home rule charter.

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

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

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

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

38 **SECTION 3.** ORS 249.088 is amended to read:

39 249.088. *[(1) Unless otherwise provided by a home rule charter, at the nominating election held on*
40 *the date of the primary election, two candidates shall be nominated for the nonpartisan office. However,*
41 *when a candidate, other than a candidate for the office of sheriff, a candidate for the office of county*
42 *clerk, a candidate for the office of county treasurer or a candidate to fill a vacancy, receives a majority*
43 *of the votes cast for the office at the nominating election, that candidate is elected.]*

44 **(1) Subject to the provisions of a home rule charter, at the nominating election held on**
45 **the date of the primary election:**

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

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

5 **(2) Notwithstanding subsection (1)(a) of this section,** when a candidate for the office of
6 **Secretary of State, State Treasurer, Attorney General, sheriff, [the office of] county clerk, [the**
7 **office of] county treasurer or a candidate to fill a vacancy receives a majority of votes cast for the**
8 **office at the nominating election held on the date of the primary election,** that candidate alone
9 is nominated.

10 **SECTION 4. The amendments to ORS 249.002, 249.088 and 254.005 by sections 1 to 3 of this**
11 **2009 Act apply only to nominations for, and appointments and elections to, public office oc-**
12 **curring on or after the effective date of this 2009 Act. A certificate of nomination, nominat-**
13 **ing petition or declaration of candidacy for the office of Secretary of State, State Treasurer**
14 **or Attorney General filed before the effective date of this 2009 Act for an election to be**
15 **conducted on or after the effective date of this 2009 Act shall be considered to have been filed**
16 **for a nonpartisan office.**

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