

Senate Bill 613

Sponsored by Senator FERRIOLI (at the request of Dee Berman, Crook County Clerk)

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**.

Requires election of precinct committeepersons of major political parties at primary election only if positions are contested. Specifies that qualified persons filing declarations of candidacy are declared elected if there is no contest for office.

A BILL FOR AN ACT

1
2 Relating to precinct committeepersons; creating new provisions; and amending ORS 248.007, 248.015,
3 248.017, 248.023, 248.024, 248.026, 248.029, 248.035, 248.043, 249.031, 251.026, 253.055, 254.056 and
4 254.115.

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

6 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 248.**

7 **SECTION 2. (1) If the number of candidates filing a declaration of candidacy described**
8 **in ORS 249.031 for the office of precinct committeeperson exceeds the number of positions**
9 **for precinct committeeperson in the precinct for which those candidates are qualified, the**
10 **county clerk shall place the names of those candidates on the ballot for that precinct at the**
11 **primary election. Write-in votes for the office of precinct committeeperson may not be**
12 **counted at an election held pursuant to this subsection.**

13 **(2) In each precinct, precinct committeepersons may not be elected at the primary**
14 **election and the county clerk may not place the name of a candidate for the office of precinct**
15 **committeeperson on the ballot at the primary election unless the number of candidates filing**
16 **a declaration of candidacy described in ORS 249.031 for the office of precinct committeeper-**
17 **son exceeds the number of positions for precinct committeeperson in the precinct for which**
18 **those candidates are qualified.**

19 **(3) If the number of candidates filing a declaration of candidacy described in ORS 249.031**
20 **for the office of precinct committeeperson is less than or equal to the number of positions**
21 **for precinct committeeperson in the precinct for which those candidates are qualified, the**
22 **county clerk, not later than 10 days after the deadline for filing a declaration of candidacy,**
23 **shall declare each qualified candidate elected.**

24 **(4) For purposes of ORS chapters 246 to 260, a candidate declared elected under this**
25 **section shall be treated the same as a candidate elected at the primary election.**

26 **(5) A position for precinct committeeperson for which a qualified candidate did not file**
27 **a declaration of candidacy described in ORS 249.031 is considered vacant.**

28 **SECTION 3. ORS 248.007 is amended to read:**

29 248.007. (1) Subject to ORS 248.005, a major political party may organize and select delegates
30 to national party conventions in any manner.

31 (2) The provisions of ORS 248.012 to 248.315 do not apply to a major political party if the party

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 has notified the Secretary of State as provided in subsection (5) of this section that the party does
2 not intend to be subject to the provisions of ORS 248.012 to 248.315. References to precinct com-
3 mitteepersons in any provisions of ORS chapters 246 to 260 do not apply to a party described in this
4 subsection.

5 (3) ORS 248.012 to 248.315 apply only to a major political party that has notified the Secretary
6 of State as provided in subsection (5) of this section that the political party intends to be subject
7 to the provisions of ORS 248.012 to 248.315. References to precinct committeepersons in any pro-
8 visions of ORS chapters 246 to 260 shall apply to a party described in this subsection. If a major
9 political party fails to notify the Secretary of State under this subsection, the party shall be con-
10 sidered subject to the provisions of ORS 248.012 to 248.315.

11 (4) A major political party shall notify the Secretary of State as provided in subsection (5) of this
12 section if the party does not intend to be subject to the provisions of ORS 248.012 to 248.315 except
13 that the party intends to elect precinct committeepersons. If a party notifies the Secretary of State
14 under this subsection, the party shall elect precinct committeepersons only as provided in ORS
15 248.015 **and section 2 of this 2009 Act** and shall elect precinct committeepersons in the same
16 manner in all precincts in this state.

17 (5) Not later than the 274th day before the date of the primary election, a major political party
18 shall notify the Secretary of State in writing whether or not the party intends to be subject to the
19 provisions of ORS 248.012 to 248.315 or whether the party intends to elect precinct committeeper-
20 sons under subsection (4) of this section. If the major political party does not intend to be subject
21 to the provisions of ORS 248.012 to 248.315 or intends to elect precinct committeepersons under
22 subsection (4) of this section, the party shall file with the Secretary of State, at the same time notice
23 is given under this subsection, a copy of its organizational documents setting forth the manner in
24 which its officers and managing committees are selected or any other manner in which it conducts
25 its affairs.

26 (6) In each even-numbered year, a major political party shall file with the Secretary of State a
27 statement indicating that the party is operating subject to ORS 248.012 to 248.315 or a copy of
28 current organizational documents setting forth the manner in which its officers and managing com-
29 mittees are selected or any other manner in which it conducts its affairs. Material described in this
30 subsection shall be filed on the 274th day before the third Tuesday in May of each odd-numbered
31 year.

32 (7) A major political party subject to the provisions of this section shall nominate candidates
33 of the major political party, for other than political party office, at the primary election.

34 (8) **As used in this section, “elect precinct committeepersons” means to elect precinct**
35 **committeepersons at the primary election or to allow precinct committeepersons to be de-**
36 **clared elected under section 2 of this 2009 Act.**

37 **SECTION 4.** ORS 248.015 is amended to read:

38 248.015. (1) A precinct committeeperson shall be a representative of the major political party in
39 the precinct. [*At the primary election a major political party shall elect from its members*] **A major**
40 **political party shall have** a committeeperson [*of each sex*] for every 500 electors, or major fraction
41 thereof, who are registered in the precinct on January 31 of the year of the primary election. [*In*
42 *any event the political party members of a precinct shall be entitled to elect not less than one com-*
43 *mitteeperson of each sex in the precinct. No person shall*] **A person may not** hold office as com-
44 mitteeperson in more than one precinct.

45 **(2) Except as provided in section 2 of this 2009 Act, a major political party shall elect**

1 **precinct committeepersons from its members at the primary election.**

2 [(2)] (3) A member of a major political party may become a candidate for precinct committee-
 3 person of the precinct in which the person is registered, or of a precinct within the same county
 4 adjoining that precinct, by filing a declaration of candidacy described in ORS 249.031[, *except as*
 5 *provided in subsection (3) of this section*].

6 [(3) ORS 249.031 (1)(i) shall not apply to declarations of candidacy for candidates for precinct
 7 committeeperson.]

8 [(4) A member of the major political party who has been a member of that party for 180 days before
 9 the primary election may be elected by write-in votes as precinct committeeperson of the precinct in
 10 which the member is registered, or of a precinct within the same county adjoining that precinct.]

11 [(5) Unless a qualified person receives at least three votes, no person shall be deemed to have been
 12 elected as precinct committeeperson and the office of committeeperson shall be vacant.]

13 [(6)] (4) The term of office of a precinct committeeperson is from the 24th day after the date of
 14 the primary election until the 24th day after the date of the next following primary election.

15 [(7)] (5) A precinct committeeperson [*shall not be*] **is not** considered a public officer.

16 **SECTION 5.** ORS 248.017 is amended to read:

17 248.017. (1) Notwithstanding any provision of ORS 248.015, an otherwise qualified person [*who*]
 18 **is eligible to file a declaration of candidacy for the office of precinct committeeperson if the**
 19 **person:**

20 (a) Will attain the age of 18 years after the deadline for filing a declaration of candidacy for
 21 the office of precinct committeeperson and on or before the date of the primary election[, *and*
 22 *who*]; **and**

23 (b) Is registered as a member of the major political party not later than the date of the primary
 24 election[, *is eligible to file a nominating petition for the office of precinct committeeperson,*].

25 (2) **A person described in subsection (1) of this section is eligible** to be listed on the ballot
 26 and to be elected to the office[, *including by write-in votes*] **at the primary election or to be de-**
 27 **clared elected under section 2 of this 2009 Act.**

28 **SECTION 6.** ORS 248.023 is amended to read:

29 248.023. (1) Not later than the 20th day after a primary election, the county clerk shall mail a
 30 certificate of election to each [*newly elected*] precinct committeeperson **who was elected at the**
 31 **primary election or declared elected under section 2 of this 2009 Act** within the county. [*The*
 32 *clerk also shall mail an "Acceptance of Office" form to each person elected by write-in votes to the office*
 33 *of committeeperson. The form shall include a statement to be signed by the person elected that the*
 34 *person is qualified to hold the office.*]

35 [(2) A person elected by write-in votes to the office of precinct committeeperson shall be certified for
 36 the office by filing with the county clerk, not later than the 27th day after the date of the primary
 37 election, a signed "Acceptance of Office" form.]

38 [(3)] (2) Not later than the 31st day after a primary election, the county clerk shall prepare,
 39 maintain and furnish to the chairpersons of the respective retiring county central committees within
 40 the county and the chairpersons of the state central committees, a list of the party precinct com-
 41 mitteepersons [*elected and certified*] **to whom a certificate was mailed under subsection (1) of**
 42 **this section.** At the same time the county clerk shall declare the other offices of committeeperson
 43 vacant.

44 **SECTION 7.** ORS 248.024 is amended to read:

45 248.024. (1) A precinct committeeperson may resign from the office by filing a written notifica-

tion of resignation with the county clerk. Upon receipt of this notification, the county clerk shall:

(a) Remove the name of the person from the list of committeepersons[.];

(b) Declare that office vacant[.]; **and**

(c) Notify the appropriate county central committee.

(2) When a precinct committeeperson ceases to be registered in the precinct in which the committeeperson was elected **at the primary election or declared elected under section 2 of this 2009 Act** or a precinct adjoining that precinct within the same county, changes political party registration or dies, the county central committee shall notify the county clerk of the fact. Upon receipt of this notification, if the county clerk determines that the notification is correct, the clerk shall:

(a) Remove the name of the person from the list of committeepersons[.]; **and**

(b) Declare that office vacant.

SECTION 8. ORS 248.026 is amended to read:

248.026. (1) The members of a county central committee may select a member of the major political party who is registered in the precinct in which the vacancy exists, or registered in a precinct within the same county adjoining that precinct, to fill a vacancy in the office of precinct committeeperson.

(2) When a county central committee votes to select a person to fill a vacancy in the office of precinct committeeperson, the chairperson of the committee shall give written notice to the county clerk of the proposed selection. The selection shall take effect when the county clerk upon timely verification of eligibility, places the name of the person selected on the list of committeepersons. The county clerk shall then send written notice of the selection to the person and the county central committee.

(3) A person selected to fill a vacancy in the office of precinct committeeperson may be removed from office at the pleasure of the central committee, but, except as provided in subsection (4) of this section, otherwise shall hold the office for the unexpired term and shall have the powers, duties and privileges of [*an elected*] a committeeperson **who was elected at the primary election or declared elected under section 2 of this 2009 Act.**

(4) A person selected to fill a vacancy in the office of precinct committeeperson may not vote on the election of county central committee officers at the organizational meeting of the committee as provided in ORS 248.035. A person selected to fill a vacancy in the office of precinct committeeperson may vote to fill any vacancy in a committee office after the organizational meeting.

SECTION 9. ORS 248.029 is amended to read:

248.029. (1) Except as provided in this section, the provisions for recall of a public officer under ORS 249.002 to 249.013 and 249.865 to 249.877, apply to a recall election of a precinct committeeperson.

(2) A precinct committeeperson may be recalled by a petition signed by the number of party members equal to not less than 25 percent of the number of party members who voted in the precinct as it existed at the preceding primary election. The petitioners shall state in not more than 200 words on the recall petition the reasons for the recall. If the committeeperson resigns, the resignation shall take effect on the date of the resignation. If the committeeperson does not resign before the fifth day after the petition is filed with the county clerk, a special election shall be ordered by the county clerk to be held not later than the 25th day after the petition is filed to determine whether the committeeperson will be recalled. The recall election shall be held in the precinct as it existed when the committeeperson was elected **at the primary election or declared elected under section 2 of this 2009 Act.** The county clerk shall print on the ballot [*shall be printed*] the

1 reasons for the recall stated in the recall petition, and, in not more than 200 words, the com-
2 mitteeperson's justification of the committeeperson's actions in office. The committeeperson shall
3 continue to perform duties of the office until the result of the special election is declared.

4 (3) The cost of the election shall be paid by the county central committee of the party of the
5 committeeperson.

6 **SECTION 10.** ORS 248.035 is amended to read:

7 248.035. (1) At the organizational meeting of a county central committee:

8 (a) The officers of the retiring county central committee shall make available to the committee
9 the property, records and funds owned or controlled by the retiring committee.

10 (b) The committee next shall elect a chairperson, vice chairperson and other officers the com-
11 mittee considers necessary. The persons elected to the offices need not be members of the county
12 central committee. The committee shall determine the term of each office. Only a [*newly elected*]
13 precinct committeeperson **elected at the primary election or declared elected under section 2**
14 **of this 2009 Act** may vote on the election of committee officers.

15 (2) The elected chairperson, within 48 hours of the chairperson's election, shall send a list of the
16 officers of the committee to the county clerk and to the state central committee.

17 (3) Only a [*newly elected*] precinct committeeperson **elected at the primary election or de-**
18 **clared elected under section 2 of this 2009 Act**, or a person appointed or selected to fill a vacancy
19 in the office of committeeperson may vote to fill a vacancy in a committee office. Immediately before
20 a meeting of the county central committee at which there may be an election to fill a vacancy in
21 a committee office, the chairperson shall obtain from the county clerk a list of committee members.
22 The list shall determine the eligibility of a committeeperson to vote to fill a vacancy in a committee
23 office.

24 **SECTION 11.** ORS 248.043 is amended to read:

25 248.043. (1) If a [*newly elected*] **new** county central committee fails to meet or to organize or if
26 no person within a county is elected by a major political party as a precinct committeeperson **at**
27 **the primary election or declared elected under section 2 of this 2009 Act**, the chairperson of
28 the retiring state central committee shall appoint a temporary chairperson of the county central
29 committee.

30 (2) The temporary chairperson shall call an organizational meeting and organize the committee
31 as provided by applicable provisions of ORS 248.033 and 248.035.

32 (3) A temporary chairperson appointed when no precinct committeeperson is elected **or de-**
33 **clared elected** may appoint members to fill the vacancies in the office of committeeperson for the
34 precinct in which the persons are registered. A person so appointed may be removed from office at
35 the pleasure of the central committee, but otherwise shall hold the office of committeeperson for the
36 unexpired term and shall have the powers, duties and privileges of a committeeperson.

37 (4) When a person is appointed to the office of committeeperson [*pursuant to this*] **under** sub-
38 section (3) **of this section**, the temporary chairperson shall notify, in writing, the county clerk of
39 the appointment. The county clerk shall place the name of the person appointed on the list of com-
40 mitteepersons.

41 **SECTION 12.** ORS 249.031 is amended to read:

42 249.031. (1) Except as provided in subsection (2) of this section, a nominating petition or decla-
43 ration of candidacy shall contain:

44 (a) The name by which the candidate is commonly known. A candidate may use a nickname in
45 parentheses in connection with the candidate's full name.

1 (b) Address information as required by the Secretary of State by rule.

2 (c) The office and department or position number, if any, for which the candidate seeks nomi-
3 nation.

4 (d) If the candidate is seeking the nomination of a major political party, the name of the major
5 political party of which the candidate will have been a member, subject to the exceptions stated in
6 ORS 249.046, during at least 180 days before the deadline for filing a nominating petition or decla-
7 ration of candidacy.

8 (e) A statement that the candidate is willing to accept the nomination or election or, regarding
9 a candidate for precinct committeeperson, that the candidate accepts the office if elected **at the**
10 **primary election or declared elected under section 2 of this 2009 Act.**

11 (f) A statement that the candidate will qualify if elected **or declared elected.**

12 (g) If the candidate is seeking the nomination of a major political party, a statement that the
13 candidate, if not nominated, will not accept the nomination or indorsement of any political party
14 other than the one of which the candidate is a member on the date the petition or declaration is
15 filed.

16 (h) The signature of the candidate.

17 (i) A statement of the candidate's occupation, educational and occupational background and
18 prior governmental experience.

19 (2) Subsection (1)(i) of this section does not apply to a candidate for [*election as a*] precinct
20 committeeperson.

21 (3) A declaration of candidacy shall include a statement that the required fee is included with
22 the declaration.

23 (4) If required by the national rules of the major political party, the declaration of a candidate
24 for [*election as a*] precinct committeeperson shall include the name of the individual the candidate
25 supports for President of the United States or "uncommitted" or "no preference."

26 **SECTION 13.** ORS 251.026 is amended to read:

27 251.026. (1) The Secretary of State shall prepare and have printed in the voters' pamphlet for
28 the state primary election, the general election and any special election described in ORS 251.022
29 a statement containing[, *if applicable*]:

30 (a) Requirements for a citizen to qualify as an elector.

31 (b) When an elector is required to register or update a registration.

32 (c) [*In the voters' pamphlet*] For the primary election, [*a statement of the*] duties and responsibil-
33 ities of a precinct committeeperson [*to be elected at the primary election*].

34 (d) Any other information the Secretary of State considers relevant to the conduct of the
35 election.

36 (2) The Secretary of State shall include a statement on the cover of the voters' pamphlet that
37 the pamphlet may be used to assist electors in voting.

38 (3) The Secretary of State may include in the voters' pamphlet the following information:

39 (a) Maps showing the boundaries of senatorial and representative districts.

40 (b) Voter registration forms.

41 (c) Elector instructions, including the right of an elector to request a second ballot if the first
42 ballot is spoiled and the right of an elector to seek assistance in marking the ballot.

43 **SECTION 14.** ORS 253.055 is amended to read:

44 253.055. (1) Absentee ballots may be the regular ballots used at the election or special ballots
45 and, except as provided in subsection (2) of this section, shall be in substantially the same form as

1 the regular ballots used at the election.

2 (2) In counties in which voting machines are used, paper ballots may be used as absentee ballots.

3 (3) The ballot delivered to each absent elector shall contain the names and other information
 4 concerning all candidates and the information concerning all measures for which the absent elector
 5 is entitled to vote. *[In lieu of the names and other information concerning candidates for precinct
 6 committeeperson, blank spaces shall be provided on the ballot, in which the absent elector may write
 7 the name of a candidate for that office.]*

8 **SECTION 15.** ORS 254.056 is amended to read:

9 254.056. (1) The general election shall be held on the first Tuesday after the first Monday in
 10 November of each even-numbered year. Except as provided in ORS 254.650, at the general election
 11 officers of the state and subdivisions of the state, members of Congress and electors of President
 12 and Vice President of the United States as are to be elected in that year shall be elected.

13 (2) The primary election shall be held on the third Tuesday in May of each even-numbered year.
 14 At the primary election:

15 (a) Precinct committeepersons shall be elected **or declared elected under section 2 of this**
 16 **2009 Act;** and

17 (b) Major political party candidates shall be nominated for offices to be filled at the general
 18 election held in that year.

19 **SECTION 16.** ORS 254.115 is amended to read:

20 254.115. (1) The official primary election ballot shall be styled "Official Primary Nominating
 21 Ballot for the _____ Party." and shall state:

22 (a) The name of the county for which it is intended.

23 (b) The date of the primary election.

24 (c) The names of all candidates for nomination at the primary election whose nominating pe-
 25 titions or declarations of candidacy have been made and filed, and who have not died, withdrawn
 26 or become disqualified.

27 (d) **Subject to section 2 of this 2009 Act,** the names of candidates for election as precinct
 28 committeeperson.

29 (e) The names of candidates for the party nomination for President of the United States who
 30 qualified for the ballot under ORS 249.078.

31 (2) The primary election ballot may include any city, county or nonpartisan office or the number,
 32 ballot title and financial estimates under ORS 250.125 of any measure.

33 (3) The ballot may not contain the name of any person other than those referred to in sub-
 34 sections (1) and (2) of this section. The name of each candidate for whom a nominating petition or
 35 declaration of candidacy has been filed shall be printed on the ballot in but one place. In the event
 36 that two or more candidates for the same nomination or office have the same or similar surnames,
 37 the location of their places of residence shall be printed opposite their names to distinguish one from
 38 another.