

House Bill 3092

Sponsored by Representative HICKS

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**.

Provides that if nominating petition or declaration of candidacy is filed by no more than two candidates for nonpartisan office, candidate or candidates shall be nominee or nominees for office without election.

Requires automatic full recount of votes cast for nomination or election of candidate for nonpartisan office at nominating election when number of votes cast for one candidate differs from majority of votes cast for office by not more than one-fifth of one percent of total votes cast for that office.

A BILL FOR AN ACT

1
2 Relating to nonpartisan office; amending ORS 249.091 and 258.280.

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

4 **SECTION 1.** ORS 249.091 is amended to read:

5 249.091. Unless otherwise provided by a home rule charter, if a nominating petition or declara-
6 tion of candidacy is filed by no more than two candidates for [*the office of sheriff, the office of county*
7 *treasurer or the office of county clerk*] **a nonpartisan office** or by no more than two candidates to
8 fill a vacancy in a nonpartisan office:

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

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

12 **SECTION 2.** ORS 258.280 is amended to read:

13 258.280. (1) The Secretary of State shall order a full recount of the votes cast for nomination
14 or election to a public office for which the Secretary of State is the filing officer, and the county
15 clerk who conducted the election shall order a full recount of the votes cast for nomination or
16 election to any other public office if the canvass of votes of the election reveals that:

17 (a) Two or more candidates for that nomination or office have an equal and the highest number
18 of votes; or

19 (b) The difference in the number of votes cast for a candidate apparently nominated or elected
20 to the office and the votes cast for the closest apparently defeated opponent is not more than one-
21 fifth of one percent of the total votes for both candidates.

22 **(2)(a) Unless otherwise provided by a home rule charter, at a nominating election for a**
23 **nonpartisan office held on the date of the primary election, the Secretary of State shall order**
24 **a full recount of the votes cast for nomination or election to a nonpartisan office for which**
25 **the Secretary of State is the filing officer, and the county clerk who conducted the election**
26 **shall order a full recount of the votes cast for nomination or election to any other nonpar-**
27 **tisan office, if the canvass of votes of the election reveals that the number of votes cast for**
28 **one candidate differs from a majority of votes cast for the office by not more than one-fifth**

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 **of one percent of the total votes cast for the office.**

2 **(b) This subsection does not apply to the office of sheriff, the office of county clerk, the**
3 **office of county treasurer or a candidate to fill a vacancy, as described in ORS 249.088.**

4 [(2)] (3) The cost of a full recount conducted under this section shall be paid by the county for
5 a county office, by the city for a city office, by the special district for a special district office or by
6 the state for any other office.

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