

House Bill 3638

Sponsored by Representative CLEM

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 any elective county or city office as nonpartisan.

A BILL FOR AN ACT

1
2 Relating to nonpartisan offices; creating new provisions; amending ORS 236.210, 249.002 and 254.005;
3 and repealing ORS 236.215 and 236.217.

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

5 **SECTION 1.** ORS 249.002, as amended by section 2, chapter 18, Oregon Laws 2010, is amended
6 to read:

7 249.002. As used in this chapter:

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

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

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

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

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

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

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

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

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

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

30 **SECTION 2.** ORS 254.005, as amended by section 3, chapter 18, Oregon Laws 2010, is amended
31 to read:

32 254.005. As used in this chapter:

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

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

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

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

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

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

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

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

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

18 (a) A proposed law.

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

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

21 (d) Local, special or municipal legislation.

22 (e) A proposition or question.

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

25 (8) "Nonpartisan office" means the office of judge of the Supreme Court, Court of Appeals, cir-
 26 cuit court or the Oregon Tax Court, Superintendent of Public Instruction, Commissioner of the Bu-
 27 reau of Labor and Industries, any elected office of a metropolitan service district under ORS chapter
 28 268, justice of the peace, [*county clerk, county assessor, county surveyor, county treasurer, county*
 29 *judge who exercises judicial functions,*] sheriff, district attorney, **any elected office of a county or**
 30 **city** or any office designated nonpartisan by a home rule charter.

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

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

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

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

39 **SECTION 3.** ORS 236.210 is amended to read:

40 236.210. (1) When there is a vacancy in any elective county office other than the office of county
 41 judge or county commissioner, the county court or board of county commissioners shall appoint a
 42 person to perform the duties of the office until the vacancy is filled by election.

43 (2) Except as provided in subsection (3) of this section, when a vacancy occurs in the [*nonpar-*
 44 *tisan*] office of county judge who does not exercise judicial functions or county commissioner, the
 45 remaining members of the county court or board of county commissioners shall appoint a person to

1 perform the duties of the office until the vacancy is filled by election.

2 (3) When a vacancy occurs in the office of county judge who exercises judicial functions, the
3 Governor shall fill the vacancy by appointment as provided in section 16, Article V of the Oregon
4 Constitution.

5 (4) Before a person appointed under subsection (1) or (2) of this section takes office, the person
6 shall qualify in the same manner as required by law of the officer in whose place the person is ap-
7 pointed.

8 **SECTION 4. ORS 236.215 and 236.217 are repealed.**

9 **SECTION 5. The amendments to ORS 236.210, 249.002 and 254.005 by sections 1 to 3 of this
10 2011 Act and the repeal of ORS 236.215 and 236.217 by section 4 of this 2011 Act apply to
11 nominations for and appointments and elections to an elective county or city office occurring
12 on or after the effective date of this 2011 Act.**

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