

House Bill 2738

Sponsored by Representative HOLVEY

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**.

Changes name of office of "precinct committeeperson" to "precinct representative." Modifies manner in which precinct representatives may be elected.

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, 248.027, 248.029, 248.031, 248.033, 248.035, 248.043, 248.045,
4 249.013, 249.031, 249.035, 249.037, 249.056, 251.026, 253.055, 254.056, 254.115 and 260.005.

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

6 **SECTION 1. Section 2 of this 2013 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 representative exceeds the number of positions for**
9 **precinct representative in the precinct for which those candidates are qualified, the county**
10 **clerk shall place the names of those candidates on the ballot for that precinct, including**
11 **space for write-in votes, at the primary election.**

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

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

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

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

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

28 248.007. (1) Subject to ORS 248.005, a major political party may organize and select delegates
29 to national party conventions in any manner.

30 (2) The provisions of ORS 248.012 to 248.315 do not apply to a major political party if the party
31 has notified the Secretary of State as provided in subsection (5) of this section that the party does

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 not intend to be subject to the provisions of ORS 248.012 to 248.315. References to precinct [*committeepersons*] **representatives** in any provisions of ORS chapters 246 to 260 do not apply to a party
2 described in this subsection.
3

4 (3) ORS 248.012 to 248.315 apply only to a major political party that has notified the Secretary
5 of State as provided in subsection (5) of this section that the political party intends to be subject
6 to the provisions of ORS 248.012 to 248.315. References to precinct [*committeepersons*] **represent-**
7 **tatives** in any provisions of ORS chapters 246 to 260 shall apply to a party described in this sub-
8 section. If a major political party fails to notify the Secretary of State under this subsection, the
9 party shall be considered subject to the provisions of ORS 248.012 to 248.315.

10 (4) A major political party shall notify the Secretary of State as provided in subsection (5) of this
11 section if the party does not intend to be subject to the provisions of ORS 248.012 to 248.315 except
12 that the party intends to elect precinct [*committeepersons*] **representatives**. If a party notifies the
13 Secretary of State under this subsection, the party shall elect precinct [*committeepersons*] **repre-**
14 **sentatives** only as provided in ORS 248.015 and **section 2 of this 2013 Act** and shall elect precinct
15 [*committeepersons*] **representatives** in the same manner in all precincts in this state.

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

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

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

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

34 248.015. (1) A precinct [*committeeperson*] **representative** shall be a representative of the major
35 political party in the precinct. [*At the primary election a major political party shall elect from its*
36 *members a committeeperson of each sex for every 500*] **A major political party shall have a precinct**
37 **representative for every 250** electors, or major fraction thereof, who are registered in the precinct
38 on January 31 of the year of the primary election. [*In any event the political party members of a*
39 *precinct shall be entitled to elect not less than one committeeperson of each sex in the precinct. No*
40 *person shall hold office as committeeperson*] **A person may not hold office as precinct represen-**
41 **tative** in more than one precinct.

42 **(2) A major political party shall elect precinct representatives from its members as de-**
43 **scribed in section 2 of this 2013 Act.**

44 [(2)] (3) A member of a major political party may become a candidate for precinct [*committee-*
45 *person*] **representative** of the precinct in which the person is registered, or of a precinct within the

1 same county adjoining that precinct, by filing a declaration of candidacy described in ORS
2 249.031[, *except as provided in subsection (3) of this section*].

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

5 (4) A member of the major political party who has been a member of that party for 180 days
6 before the primary election may be elected by write-in votes as precinct [*committeeperson*] **repre-**
7 **sentative** of the precinct in which the member is registered, or of a precinct within the same county
8 adjoining that precinct, **subject to section 2 of this 2013 Act**.

9 (5) [*Unless a qualified person receives at least three votes, no person shall be deemed to have been*
10 *elected as precinct committeeperson and the office of committeeperson shall be vacant.*] **A qualified**
11 **person may be deemed elected as precinct representative at the primary election only if the**
12 **person receives at least three votes, including write-in votes. If fewer than three votes are**
13 **received, the office of precinct representative is vacant.**

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

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

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

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

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

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

27 (2) **A person described in subsection (1) of this section is eligible** to be listed on the ballot
28 and to be elected to the office, including by write-in votes, **as described in section 2 of this 2013**
29 **Act.**

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

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

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

40 (3) Not later than the 31st day after a primary election, the county clerk shall prepare, maintain
41 and furnish to the chairpersons of the respective retiring county central committees within the
42 county and the chairpersons of the state central committees, a list of the party precinct [*com-*
43 *mitteepersons*] **representatives** elected and certified. At the same time the county clerk shall de-
44 clare the other offices of [*committeeperson*] **precinct representative** vacant.

45 (4) **Not later than the 31st day after the date of the primary election, the county clerk**

1 shall make available to the public on the Internet a list of all precinct representatives in the
 2 county elected in the primary election.

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

4 248.024. (1) A precinct [*committeeperson*] **representative** may resign from the office by filing a
 5 written notification of resignation with the county clerk. Upon receipt of this notification, the
 6 county clerk shall:

7 (a) Remove the name of the person from the list of [*committeepersons.*] **precinct represen-**
 8 **tatives;**

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

10 (c) Notify the appropriate county central committee.

11 (2) When a precinct [*committeeperson*] **representative** ceases to be registered in the precinct in
 12 which the [*committeeperson*] **representative** was elected or a precinct adjoining that precinct within
 13 the same county, changes political party registration or dies, the county central committee shall
 14 notify the county clerk of the fact. Upon receipt of this notification, if the county clerk determines
 15 that the notification is correct, the clerk shall:

16 (a) Remove the name of the person from the list of [*committeepersons.*] **precinct represen-**
 17 **tatives; and**

18 (b) Declare that office vacant.

19 **SECTION 8.** ORS 248.026 is amended to read:

20 248.026. (1) The members of a county central committee may select a member of the major pol-
 21 itical party who is registered in the precinct in which the vacancy exists, or registered in a precinct
 22 within the same county adjoining that precinct, to fill a vacancy in the office of precinct [*com-*
 23 *mitteeperson*] **representative.**

24 (2) When a county central committee votes to select a person to fill a vacancy in the office of
 25 precinct [*committeeperson*] **representative**, the chairperson of the committee shall give written no-
 26 tice to the county clerk of the proposed selection. The selection shall take effect when the county
 27 clerk upon timely verification of eligibility, places the name of the person selected on the list of
 28 [*committeepersons*] **precinct representatives.** The county clerk shall then send written notice of the
 29 selection to the person and the county central committee.

30 (3) A person selected to fill a vacancy in the office of precinct [*committeeperson*] **representative**
 31 may be removed from office at the pleasure of the central committee, but, except as provided in
 32 subsection (4) of this section, otherwise shall hold the office for the unexpired term and shall have
 33 the powers, duties and privileges of an elected [*committeeperson*] **precinct representative.**

34 (4) A person selected to fill a vacancy in the office of precinct [*committeeperson*] **representative**
 35 may not vote on the election of county central committee officers at the organizational meeting of
 36 the committee as provided in ORS 248.035. A person selected to fill a vacancy in the office of pre-
 37 cinct [*committeeperson*] **representative** may vote to fill any vacancy in a committee office after the
 38 organizational meeting.

39 **SECTION 9.** ORS 248.029 is amended to read:

40 248.029. [(1) *Except as provided in this section, the provisions for recall of a public officer under*
 41 *ORS 249.002 to 249.013 and 249.865 to 249.877, apply to a recall election of a precinct*
 42 *committeeperson.*]

43 [(2) *A precinct committeeperson may be recalled by a petition signed by the number of party mem-*
 44 *bers equal to not less than 25 percent of the number of party members who voted in the precinct as it*
 45 *existed at the preceding primary election. The petitioners shall state in not more than 200 words on the*

1 recall petition the reasons for the recall. If the committeeperson resigns, the resignation shall take effect
 2 on the date of the resignation. If the committeeperson does not resign before the fifth day after the pe-
 3 tition is filed with the county clerk, a special election shall be ordered by the county clerk to be held
 4 not later than the 25th day after the petition is filed to determine whether the committeeperson will be
 5 recalled. The recall election shall be held in the precinct as it existed when the committeeperson was
 6 elected. On the ballot shall be printed the reasons for the recall stated in the recall petition, and, in
 7 not more than 200 words, the committeeperson's justification of the committeeperson's actions in office.
 8 The committeeperson shall continue to perform duties of the office until the result of the special election
 9 is declared.]

10 [(3) The cost of the election shall be paid by the county central committee of the party of the com-
 11 mitteeperson.]

12 **(1) A major political party may recall precinct representatives as representatives of the**
 13 **party in the precinct in the manner provided by the party. A precinct representative may**
 14 **only be recalled in the manner provided by the party.**

15 **(2) In the event of a recall of a precinct representative, the chairperson of the committee**
 16 **shall notify the county clerk in writing.**

17 **(3) The recall of a precinct representative takes effect on the date the county clerk re-**
 18 **ceives the written notice under subsection (2) of this section.**

19 **(4) Upon receipt of notice of a recall of a precinct representative, the county clerk shall**
 20 **immediately notify the person who has been recalled in writing. The county clerk shall also**
 21 **send written notice to the county central committee on which the person served.**

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

23 248.035. (1) At the organizational meeting of a county central committee:

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

26 (b) The committee next shall elect a chairperson, vice chairperson and other officers the com-
 27 mittee considers necessary. The persons elected to the offices need not be members of the county
 28 central committee. The committee shall determine the term of each office. Only a [*newly elected*]
 29 precinct [*committeeperson*] **representative elected at the most recent primary election, or a**
 30 **person appointed or selected at least 60 days prior to the date of the organizational meeting**
 31 **to fill a vacancy in the office of precinct representative, may vote on the election of committee**
 32 **officers.**

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

35 (3) Only a [*newly elected precinct committeeperson*] **precinct representative elected at the most**
 36 **recent primary election** or a person appointed or selected to fill a vacancy in the office of [*com-*
 37 *mitteeperson*] **precinct representative** may vote to fill a vacancy in a committee office. Immediately
 38 before a meeting of the county central committee at which there may be an election to fill a vacancy
 39 in a committee office, the chairperson shall obtain from the county clerk a list of committee mem-
 40 bers. The list shall determine the eligibility of a [*committeeperson*] **precinct representative** to vote
 41 to fill a vacancy in a committee office.

42 **(4) At any time, a major political party may by party rule require that a county central**
 43 **committee reorganize.**

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

45 248.043. (1) If a [*newly elected*] **new** county central committee fails to meet or to organize or if

1 no person within a county is elected by a major political party as a precinct [*committeeperson*]
 2 **representative at the primary election**, the chairperson of the retiring state central committee
 3 shall appoint a temporary chairperson of the county central committee.

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

6 (3) A temporary chairperson appointed when no precinct [*committeeperson*] **representative** is
 7 elected may appoint members to fill the vacancies in the office of [*committeeperson*] **precinct rep-**
 8 **resentative** for the precinct in which the persons are registered. A person so appointed may be
 9 removed from office at the pleasure of the central committee, but otherwise shall hold the office of
 10 [*committeeperson*] **precinct representative** for the unexpired term and shall have the powers, duties
 11 and privileges of a [*committeeperson*] **precinct representative**.

12 (4) When a person is appointed to the office of [*committeeperson pursuant to this subsection*]
 13 **precinct representative under subsection (3) of this section**, the temporary chairperson shall
 14 notify, in writing, the county clerk of the appointment. The county clerk shall place the name of the
 15 person appointed on the list of [*committeepersons*] **precinct representatives**.

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

17 249.031. (1) Except as provided in subsection (2) of this section, a nominating petition or decla-
 18 ration of candidacy shall contain:

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

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

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

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

28 (e) A statement that the candidate is willing to accept the nomination or election or, regarding
 29 a candidate for precinct [*committeeperson*] **representative**, that the candidate accepts the office if
 30 elected.

31 (f) A statement that the candidate will qualify if elected.

32 (g) If the candidate is seeking the nomination of a major political party, a statement that the
 33 candidate, if not nominated, will not accept the nomination or endorsement of any political party
 34 other than the one of which the candidate is a member on the date the petition or declaration is
 35 filed.

36 (h) The signature of the candidate.

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

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

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

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

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

2 251.026. (1) The Secretary of State shall prepare and have printed in the voters' pamphlet for
3 the state primary election, the general election and any special election described in ORS 251.022
4 a statement containing[, *if applicable*]:

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

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

7 (c) [*In the voters' pamphlet*] For the primary election, [*a statement of the*] duties and responsi-
8 bilities of a precinct [*committeeperson to be elected at the primary election*] **representative**.

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

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

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

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

15 (b) Voter registration forms.

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

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

19 253.055. (1) Absentee ballots may be the regular ballots used at the election or special ballots
20 and, except as provided in subsection (2) of this section, shall be in substantially the same form as
21 the regular ballots used at the election.

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

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

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

29 254.056. (1) The general election shall be held on the first Tuesday after the first Monday in
30 November of each even-numbered year. Except as provided in ORS 254.650, at the general election
31 officers of the state and subdivisions of the state, members of Congress and electors of President
32 and Vice President of the United States as are to be elected in that year shall be elected.

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

35 (a) Precinct [*committeepersons*] **representatives** shall be elected **as described in section 2 of**
36 **this 2013 Act;** and

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

39 **SECTION 16.** ORS 254.115, as amended by section 2, chapter 102, Oregon Laws 2012, is
40 amended to read:

41 254.115. (1) The official primary election ballot shall be styled "Official Primary Nominating
42 Ballot for the _____ Party." and shall state:

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

44 (b) The date of the primary election.

45 (c) The names of all candidates for nomination at the primary election whose nominating pe-

1 titions or declarations of candidacy have been made and filed, and who have not died, withdrawn
 2 or become disqualified.

3 (d) **Subject to section 2 of this 2013 Act**, the names of candidates for election as precinct
 4 [*committeeperson*] **representative**.

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

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

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

15 **SECTION 17.** ORS 248.027 is amended to read:

16 248.027. A precinct [*committeeperson*] **representative** who represents a precinct which is subse-
 17 quently combined, consolidated or abolished shall continue to be a member of the county central
 18 committee until the end of that [*committeeperson's*] **precinct representative's** regular term of office.

19 **SECTION 18.** ORS 248.031 is amended to read:

20 248.031. The precinct [*committeepersons*] **representatives** of the county shall constitute the
 21 county central committee of their party. The county central committee of each major political party
 22 is the highest party authority in county party matters and may adopt rules or resolutions for any
 23 matter of party government within the county which is not controlled by the laws of this state.

24 **SECTION 19.** ORS 248.033 is amended to read:

25 248.033. (1) The organizational meeting of a county central committee shall be held no less fre-
 26 quently than every 25 months.

27 (2) The retiring county central committee shall prepare a written notice designating the time,
 28 date and place of the meeting and file a copy of the notice with the county clerk not later than the
 29 40th day before the date of the meeting. The retiring county central committee also shall mail a
 30 copy of the notice to the state central committee.

31 (3) Upon request of a county central committee, the county clerk shall provide the county cen-
 32 tral committee, without charge, a list of the names, addresses and other contact information, in-
 33 cluding electronic mail addresses or telephone numbers, of persons holding the office of precinct
 34 [*committeeperson*] **representative** for that major political party on the date the clerk receives notice
 35 of an organizational meeting under subsection (2) of this section.

36 (4) The chairperson of the retiring county central committee shall mail a copy of the notice of
 37 the time, date and place of the meeting, not later than the 10th day before the meeting, to each
 38 member of the county central committee. If permitted by the bylaws of the county central committee,
 39 the county central committee may notify members by means other than by mail.

40 **SECTION 20.** ORS 248.045 is amended to read:

41 248.045. Proxies in no instance shall be permitted to participate at any county central committee
 42 meeting. At any meeting of the county central committee, the committee may:

43 (1) Adopt, amend or repeal bylaws or rules for the government of the political party in the
 44 county.

45 (2) By the adoption of bylaws or of a resolution, select an executive committee and authorize

1 the executive committee to exercise those powers delegated to it by the central committee including,
 2 but not limited to, the power to fill a vacancy in the office of [*committeeperson*] **precinct repre-**
 3 **sentative** pursuant to ORS 248.026. [*In no event may*] The central committee **may not** delegate, or
 4 the executive committee exercise, the power to elect a person to, or fill a vacancy in a committee
 5 office. The persons selected as the executive committee need not be members of the county central
 6 committee.

7 (3) Except as provided by ORS 248.035 (3), grant participation and voting privileges to a:

8 (a) Person who holds a public office or an office of a political party.

9 (b) Person who has been nominated for a public office at the preceding primary election.

10 (c) Member of the executive committee of the county central committee.

11 **SECTION 21.** ORS 249.013 is amended to read:

12 249.013. (1) [*No person shall*] **A person may not** be a candidate for more than one lucrative
 13 office to be filled at the same election.

14 (2) [*No person shall*] **A person may not** file a nominating petition or declaration of candidacy
 15 for more than one lucrative office or more than one office of precinct [*committeeperson*] **represent-**
 16 **tative** before the date of the election at which a person will be nominated or elected to each office
 17 unless the person first files a written withdrawal, under ORS 249.170, of the person's initial filing.

18 (3) If at any time before the date of the election at which a person will be nominated or elected
 19 to each office it is determined that a person has filed two or more nominating petitions or declara-
 20 tions of candidacy for any lucrative office or two or more nominating petitions or declarations of
 21 candidacy for the office of precinct [*committeeperson*] **representative** without written withdrawal
 22 or withdrawals intervening, all such filings shall be invalid and any other filing made by the same
 23 person shall be void.

24 (4)(a) [*No person shall*] **A person may not** be a candidate for more than one district office to
 25 be filled at the same election. This paragraph does not apply to a district that has fewer than 10,000
 26 electors residing within the district.

27 (b) [*No person shall*] **A person may not** be a candidate for more than one position on the same
 28 district board to be filled at the same election.

29 (c) As used in this subsection, "district" means a district as defined in ORS 255.012.

30 (5) [*No person shall*] **A person may not** be a candidate for more than one city office to be filled
 31 at the same election.

32 (6) Notwithstanding any provision of this section, in the case of a vacancy to be filled by
 33 election, the same person is eligible for nomination and election to both the unexpired and the
 34 succeeding terms. The name of the candidate may be placed on the ballot in both places.

35 **SECTION 22.** ORS 249.035 is amended to read:

36 249.035. A nominating petition or declaration of candidacy relating to a candidate for:

37 (1) State office, United States Senator or Representative in Congress shall be filed with the
 38 Secretary of State.

39 (2) County office or precinct [*committeeperson*] **representative** shall be filed with the county
 40 clerk.

41 (3) City office shall be filed with the chief city elections officer.

42 (4) Any elected office of a metropolitan service district under ORS chapter 268 shall be filed
 43 with the county clerk of the county in which the administrative office of the district is located.

44 (5) Any other office shall be filed under ORS chapter 255.

45 **SECTION 23.** ORS 249.037 is amended to read:

1 249.037. (1) Except as otherwise provided in this section, a nominating petition or declaration
 2 of candidacy shall be filed not sooner than the 250th day and not later than the 70th day before the
 3 date of the primary election.

4 (2) If a vacancy occurs in a partisan elective office after the 80th day and before the 70th day
 5 before the primary election, a nominating petition or declaration of candidacy for that office may
 6 be filed not later than the 65th day before the primary election.

7 (3) A declaration of candidacy for the office of precinct [*committeeperson*] **representative** may
 8 not be filed before February 1 immediately preceding the primary election.

9 **SECTION 24.** ORS 249.056 is amended to read:

10 249.056. (1) At the time of filing a declaration of candidacy a candidate for the following offices
 11 shall pay to the officer with whom the declaration is filed the following fee:

12 (a) United States Senator, \$150.

13 (b) Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bu-
 14 reau of Labor and Industries, Representative in Congress, judge of the Supreme Court, Court of
 15 Appeals or Oregon Tax Court, or executive officer or auditor of a metropolitan service district, \$100.

16 (c) County officer, district attorney, county judge who exercises judicial functions or circuit
 17 court judge, \$50.

18 (d) State Senator or Representative or councilor of a metropolitan service district under ORS
 19 chapter 268, \$25.

20 (2) No filing fee shall be required of persons filing a declaration of candidacy for precinct
 21 [*committeeperson*] **representative** or justice of the peace.

22 **SECTION 25.** ORS 260.005 is amended to read:

23 260.005. As used in this chapter:

24 (1)(a) "Candidate" means:

25 (A) An individual whose name is printed on a ballot, for whom a declaration of candidacy,
 26 nominating petition or certificate of nomination to public office has been filed or whose name is
 27 expected to be or has been presented, with the individual's consent, for nomination or election to
 28 public office;

29 (B) An individual who has solicited or received and accepted a contribution, made an expendi-
 30 ture, or given consent to an individual, organization, political party or political committee to solicit
 31 or receive and accept a contribution or make an expenditure on the individual's behalf to secure
 32 nomination or election to any public office at any time, whether or not the office for which the in-
 33 dividual will seek nomination or election is known when the solicitation is made, the contribution
 34 is received and retained or the expenditure is made, and whether or not the name of the individual
 35 is printed on a ballot; or

36 (C) A public office holder against whom a recall petition has been completed and filed.

37 (b) For purposes of this section and ORS 260.035 to 260.156, "candidate" does not include a
 38 candidate for the office of precinct [*committeeperson*] **representative**.

39 (2) "Committee director" means any person who directly and substantially participates in
 40 decision-making on behalf of a political committee concerning the solicitation or expenditure of
 41 funds and the support of or opposition to candidates or measures. The officers of a political party
 42 shall be considered the directors of any political party committee of that party, unless otherwise
 43 provided in the party's bylaws.

44 (3) Except as provided in ORS 260.007, "contribute" or "contribution" includes:

45 (a) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compen-

1 sation or consideration, of money, services other than personal services for which no compensation
 2 is asked or given, supplies, equipment or any other thing of value:

3 (A) For the purpose of influencing an election for public office or an election on a measure, or
 4 of reducing the debt of a candidate for nomination or election to public office or the debt of a pol-
 5 itical committee; or

6 (B) To or on behalf of a candidate, political committee or measure;

7 (b) Any unfulfilled pledge, subscription, agreement or promise, whether or not legally enforcea-
 8 ble, to make a contribution; and

9 (c) The excess value of a contribution made for compensation or consideration of less than
 10 equivalent value.

11 (4) "Controlled committee" means a political committee that, in connection with the making of
 12 contributions or expenditures:

13 (a) Is controlled directly or indirectly by a candidate or a controlled committee; or

14 (b) Acts jointly with a candidate or controlled committee.

15 (5) "Controlled directly or indirectly by a candidate" means:

16 (a) The candidate, the candidate's agent, a member of the candidate's immediate family or any
 17 other political committee that the candidate controls has a significant influence on the actions or
 18 decisions of the political committee; or

19 (b) The candidate's principal campaign committee and the political committee both have the
 20 candidate or a member of the candidate's immediate family as a treasurer or director.

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

22 (7) "Elector" means an individual qualified to vote under section 2, Article II of the Oregon
 23 Constitution.

24 (8) Except as provided in ORS 260.007, "expend" or "expenditure" includes the payment or fur-
 25 nishing of money or anything of value or the incurring or repayment of indebtedness or obligation
 26 by or on behalf of a candidate, political committee or person in consideration for any services,
 27 supplies, equipment or other thing of value performed or furnished for any reason, including support
 28 of or opposition to a candidate, political committee or measure, or for reducing the debt of a can-
 29 didate for nomination or election to public office. "Expenditure" also includes contributions made
 30 by a candidate or political committee to or on behalf of any other candidate or political committee.

31 (9) "Filing officer" means:

32 (a) The Secretary of State:

33 (A) Regarding a candidate for public office;

34 (B) Regarding a statement required to be filed under ORS 260.118;

35 (C) Regarding any measure; or

36 (D) Regarding any political committee.

37 (b) In the case of an irrigation district formed under ORS chapter 545, "filing officer" means:

38 (A) The county clerk, regarding any candidate for office or any measure at an irrigation district
 39 formation election where the proposed district is situated wholly in one county;

40 (B) The county clerk of the county in which the office of the secretary of the proposed irrigation
 41 district will be located, regarding any candidate for office or any measure at an irrigation district
 42 formation election where the proposed district is situated in more than one county; or

43 (C) The secretary of the irrigation district for any election other than an irrigation district
 44 formation election.

45 (10) "Independent expenditure" means an expenditure by a person for a communication in sup-

1 port of or in opposition to a clearly identified candidate or measure that is not made with the co-
 2 operation or with the prior consent of, or in consultation with, or at the request or suggestion of,
 3 a candidate or any agent or authorized committee of the candidate, or any political committee or
 4 agent of a political committee supporting or opposing a measure. For purposes of this subsection:

5 (a) "Agent" means any person who has:

6 (A) Actual oral or written authority, either express or implied, to make or to authorize the
 7 making of expenditures on behalf of a candidate or on behalf of a political committee supporting or
 8 opposing a measure; or

9 (B) Been placed in a position within the campaign organization where it would reasonably ap-
 10 pear that in the ordinary course of campaign-related activities the person may authorize expen-
 11 ditures.

12 (b)(A) "Clearly identified" means, with respect to candidates:

13 (i) The name of the candidate involved appears;

14 (ii) A photograph or drawing of the candidate appears; or

15 (iii) The identity of the candidate is apparent by unambiguous reference.

16 (B) "Clearly identified" means, with respect to measures:

17 (i) The ballot number of the measure appears;

18 (ii) A description of the measure's subject or effect appears; or

19 (iii) The identity of the measure is apparent by unambiguous reference.

20 (c) "Communication in support of or in opposition to a clearly identified candidate or measure"
 21 means:

22 (A) The communication, taken in its context, clearly and unambiguously urges the election or
 23 defeat of a clearly identified candidate for nomination or election to public office, or the passage
 24 or defeat of a clearly identified measure;

25 (B) The communication, as a whole, seeks action rather than simply conveying information; and

26 (C) It is clear what action the communication advocates.

27 (d) "Made with the cooperation or with the prior consent of, or in consultation with, or at the
 28 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any
 29 political committee or agent of a political committee supporting or opposing a measure":

30 (A) Means any arrangement, coordination or direction by the candidate or the candidate's agent,
 31 or by any political committee or agent of a political committee supporting or opposing a measure,
 32 prior to the publication, distribution, display or broadcast of the communication. An expenditure
 33 shall be presumed to be so made when it is:

34 (i) Based on information about the plans, projects or needs of the candidate, or of the political
 35 committee supporting or opposing a measure, and provided to the expending person by the candidate
 36 or by the candidate's agent, or by any political committee or agent of a political committee sup-
 37 porting or opposing a measure, with a view toward having an expenditure made; or

38 (ii) Made by or through any person who is or has been authorized to raise or expend funds, who
 39 is or has been an officer of a political committee authorized by the candidate or by a political
 40 committee or agent of a political committee supporting or opposing a measure, or who is or has been
 41 receiving any form of compensation or reimbursement from the candidate, the candidate's principal
 42 campaign committee or agent or from any political committee or agent of a political committee
 43 supporting or opposing a measure.

44 (B) Does not mean providing to the expending person upon request a copy of this chapter or any
 45 rules adopted by the Secretary of State relating to independent expenditures.

1 (11) "Initiative petition" means a petition to initiate a measure for which a prospective petition
2 has been filed but that is not yet a measure.

3 (12) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon
4 Tax Court.

5 (13) "Mass mailing" means more than 200 substantially similar pieces of mail, but does not in-
6 clude a form letter or other mail that is sent in response to an unsolicited request, letter or other
7 inquiry.

8 (14) "Measure" includes any of the following submitted to the people for their approval or re-
9 jection at an election:

10 (a) A proposed law.

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

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

13 (d) Local, special or municipal legislation.

14 (e) A proposition or question.

15 (15) "Occupation" means:

16 (a) The nature of an individual's principal business; and

17 (b) If the individual is employed by another person, the business name and address, by city and
18 state, of the employer.

19 (16) "Person" means an individual, corporation, limited liability company, labor organization,
20 association, firm, partnership, joint stock company, club, organization or other combination of indi-
21 viduals having collective capacity.

22 (17) "Petition committee" means an initiative, referendum or recall petition committee organized
23 under ORS 260.118.

24 (18) "Political committee" means a combination of two or more individuals, or a person other
25 than an individual, that has:

26 (a) Received a contribution for the purpose of supporting or opposing a candidate, measure or
27 political party; or

28 (b) Made an expenditure for the purpose of supporting or opposing a candidate, measure or
29 political party. For purposes of this paragraph, an expenditure does not include:

30 (A) A contribution to a candidate or political committee that is required to report the contri-
31 bution on a statement filed under ORS 260.057, 260.076 or 260.102 or a certificate filed under ORS
32 260.112; or

33 (B) An independent expenditure for which a statement is required to be filed by a person under
34 ORS 260.044.

35 (19) "Public office" means any national, state, county, district, city office or position, except a
36 political party office, that is filled by the electors.

37 (20) "Recall petition" means a petition to recall a public officer for which a prospective petition
38 has been filed but that is not yet a measure.

39 (21) "Referendum petition" means a petition to refer a measure for which a prospective petition
40 has been filed but that is not yet a measure.

41 (22) "Regular district election" means the regular district election described in ORS 255.335.

42 (23) "State office" means the office of Governor, Secretary of State, State Treasurer, Attorney
43 General, Commissioner of the Bureau of Labor and Industries, state Senator, state Representative,
44 judge or district attorney.