

D R A F T

SUMMARY

Designates office of Secretary of State as nonpartisan.

A BILL FOR AN ACT

1
2 Relating to Secretary of State as a nonpartisan office; creating new pro-
3 visions; and amending ORS 249.002, 249.088, 249.091, 254.005, 254.056 and
4 254.650.

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

6 **SECTION 1.** ORS 249.002 is amended to read:

7 249.002. As used in this chapter:

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

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

12 (3) "Elector" means an individual qualified to vote under **Article II**,
13 section 2, [*Article II*,] Oregon Constitution.

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

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

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

21 (7) "Nonpartisan office" means the office of judge, **Secretary of State**,

1 Commissioner of the Bureau of Labor and Industries, any elected office of a
2 metropolitan service district under ORS chapter 268, justice of the peace,
3 county clerk, county assessor, county surveyor, county treasurer, sheriff,
4 district attorney or any office designated nonpartisan by a home rule charter.

5 (8) "Prospective petition" means the information, except signatures and
6 other identification of petition signers, required to be contained in a com-
7 pleted petition.

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

10 (10) "State office" means Governor, Secretary of State, State Treasurer,
11 Attorney General, Commissioner of the Bureau of Labor and Industries,
12 judge, state Senator, state Representative or district attorney.

13 **SECTION 2.** ORS 254.005 is amended to read:

14 254.005. As used in this chapter:

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

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

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

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

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

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

28 (4) "Elector" means an individual qualified to vote under **Article II**,
29 section 2, [*Article II*,] Oregon Constitution.

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

1 (6) "Measure" includes any of the following submitted to the people for
2 their approval or rejection at an election:

3 (a) A proposed law.

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

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

6 (d) Local, special or municipal legislation.

7 (e) A proposition or question.

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

10 (8) "Nonpartisan office" means the office of judge of the Supreme Court,
11 Court of Appeals, circuit court or the Oregon Tax Court, **Secretary of**
12 **State**, Commissioner of the Bureau of Labor and Industries, any elected of-
13 fice of a metropolitan service district under ORS chapter 268, justice of the
14 peace, county clerk, county assessor, county surveyor, county treasurer,
15 county judge who exercises judicial functions, sheriff, district attorney or
16 any office designated nonpartisan by a home rule charter.

17 (9) "Prospective petition" means the information, except signatures and
18 other identification of petition signers, required to be contained in a com-
19 pleted petition.

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

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

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

27 **SECTION 3.** ORS 254.056 is amended to read:

28 254.056. (1) The general election shall be held on the first Tuesday after
29 the first Monday in November of each even-numbered year. Except as pro-
30 vided in ORS 254.650, at the general election officers of the state and subdi-
31 visions of the state, members of Congress and electors of President and Vice

1 President of the United States as are to be elected in that year shall be
2 elected.

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

5 (a) Precinct committeepersons shall be elected and major political party
6 candidates shall be nominated for offices to be filled at the general election
7 held in that year; **and**

8 (b) **Nonpartisan candidates shall be nominated or elected as pro-**
9 **vided in ORS 249.088.**

10 **SECTION 4.** ORS 254.650 is amended to read:

11 254.650. (1) If the Secretary of State determines that a vacancy exists in
12 the nomination of a candidate of a major political party for state office **or**
13 **in the nomination of a nonpartisan candidate for the office of Secre-**
14 **tary of State**, that the vacancy is due to the death of the candidate and that
15 the vacancy occurred after the 47th day before the date of the general
16 election:

17 (a) The election for that state office **or for the office of Secretary of**
18 **State** may not be held at the general election;

19 (b) The county clerks may not count ballots cast for candidates for that
20 state office **or for the office of Secretary of State** at the general election;
21 and

22 (c) The Secretary of State shall order a special election as provided in
23 ORS 254.655.

24 (2) The candidates listed on the ballot at the special election shall be:

25 (a) The candidates who were listed on the general election ballot, other
26 than the candidate whose nomination became vacant; and

27 (b) The candidate selected to fill the vacancy in the nomination as pro-
28 vided in ORS 249.190 or 249.205.

29 (3) As used in this section "state office" means the office of Governor,
30 [*Secretary of State,*] State Treasurer, Attorney General, state Senator or state
31 Representative.

1 **SECTION 5.** ORS 249.088 is amended to read:

2 249.088. (1) Except as provided in ORS 249.091 **and subsections (2) and**
3 **(3) of this section**, at the nominating election held on the date of the pri-
4 mary election[:]

5 [(a) *Unless a candidate for nonpartisan office receives a majority of the*
6 *votes cast for the office,*] the two candidates who receive the highest number
7 of votes **for the nonpartisan office** are nominated.

8 [(b)] **(2)** If a candidate for nonpartisan office receives a majority of votes
9 cast for the office, that candidate is elected.

10 **(3) Subsection (2) of this section does not apply to the office of**
11 **Secretary of State.**

12 [(2)] **(4)** The application of this section is subject to the provisions of a
13 home rule charter.

14 **SECTION 6.** ORS 249.091 is amended to read:

15 249.091. (1) If a nominating petition or declaration of candidacy is filed
16 by no more than two candidates for the office of sheriff, county treasurer
17 or county clerk or by no more than two candidates to fill a vacancy in a
18 nonpartisan office **other than the office of Secretary of State:**

19 (a) The candidate or candidates are nominated; and

20 (b) The name or names of the candidate or candidates may not be printed
21 on the ballot at the nominating election.

22 (2) If a nominating petition or declaration of candidacy is filed by more
23 than two candidates for the office of sheriff, county treasurer or county clerk
24 or by more than two candidates to fill a vacancy in a nonpartisan office
25 **other than the office of Secretary of State:**

26 (a) Unless a candidate receives a majority of the votes cast for the office,
27 the two candidates who receive the highest number of votes are nominated.

28 (b) If a candidate receives a majority of the votes cast for the office, that
29 candidate alone is nominated.

30 (3) The application of this section is subject to the provisions of a home
31 rule charter.

1 **SECTION 7.** The amendments to ORS 249.002, 249.088, 249.091,
2 254.005, 254.056 and 254.650 by sections 1 to 6 of this 2017 Act apply only
3 to nominations for and elections to the office of Secretary of State
4 made on or after the effective date of this 2017 Act.

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