

SB 520 A STAFF MEASURE SUMMARY

Carrier: Rep. Smith Warner

House Committee On Rules

Action Date: 06/13/17

Action: Do Pass the A-Eng bill.

Vote: 9-0-0-0

Yeas: 9 - Barreto, Hack, Holvey, Kennemer, McLane, Nosse, Rayfield, Smith Warner, Williamson

Fiscal: No fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Requires recall petition of irrigation district officer to be filed with members of irrigation district not subject to recall, if board does not have filing officer.

ISSUES DISCUSSED:

- Clarifying recall process for irrigation districts
- Aligning irrigation district officers with other positions subject to recall
- Examples of irrigation district recalls

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Oregon Constitution provides for the removal of any person who holds an elected position regardless of whether they were appointed or elected. If a petition requesting resignation is submitted containing the required number of signatures and the office holder does not resign, an election will be held for voters to decide whether the person should be recalled from office.

Prior to circulating a petition to recall an elected official, the petitioner must file with the appropriate officer. In the event there is no such officer or if the officer is the district officer against whom the petition is being filed, the petition must be filed with the county clerk in which the administrative office of the district is located. Similarly, if a recall petition is against an irrigation district officer, a petition is required to be filed with the district board of directors for the irrigation district, if there is no appropriate alternative officer or if the officer is the subject of the recall petition. Current statute is unclear about which recall petition forms should be used to recall an irrigation district board member, as irrigation districts are not expressly included in statutes governing the form of recall petitions.

Senate Bill 520-A clarifies that a person seeking to recall an irrigation district board member must use forms designated by the Secretary of State. In addition, the measure clarifies that if there is no irrigation board officer (secretary) to file a recall petition with, the recall petition must be filed with the members of the district board of directors who are not the subject of the recall.