

# Senate Bill 686

Sponsored by Senator ROBLAN

## 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**.

Requires district elections authority to make determination of whether each candidate elected to district office is qualified to hold that office. If elections authority determines candidate is not qualified to hold that office, requires elections authority to apply to circuit court for order confirming elections authority's determination.

## A BILL FOR AN ACT

1  
2 Relating to district elections; creating new provisions; and amending ORS 255.295.

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

4 **SECTION 1.** ORS 255.295 is amended to read:

5 255.295. (1) Not later than the 20th day after the date of an election, the county clerk shall  
6 prepare an abstract of the votes and deliver it to the district elections authority.

7 **(2)(a) Not later than the 10th day after receiving the abstract, the district elections au-**  
8 **thority shall make a determination of whether each candidate elected to district office is**  
9 **qualified to hold the office.**

10 **(b)(A) If the district elections authority determines that any candidate elected to district**  
11 **office is not qualified to hold the office, the district elections authority shall apply to the**  
12 **appropriate circuit court for an order confirming that the candidate is not qualified to hold**  
13 **the office.**

14 **(B) The court shall dispose of an application brought under subparagraph (A) of this**  
15 **paragraph as soon as possible, and no later than the fifth day after the district elections**  
16 **authority applies for an order.**

17 **(3) Not later than the 40th day after receiving the abstract, the district elections authority**  
18 **shall:**

19 **(a) Determine from it the result of the election.**

20 **(b) Notify the county clerk in writing of the result of the election. The notification to the**  
21 **county clerk must contain a statement indicating whether any candidate elected to district**  
22 **office is qualified to hold the office. The statement shall indicate that a candidate is qualified**  
23 **to hold the office unless a court has issued an order under subsection (2)(b) of this section**  
24 **declaring that a candidate is not qualified to hold the office.**

25 *[(2)]* **(4) Subject to ORS 254.548, the county clerk may issue a certificate of election only after**  
26 **the district elections authority has notified the county clerk in writing of the result of the election.**  
27 *[The notification to the county clerk shall contain a statement indicating whether any candidate elected*  
28 *to district office is qualified to hold the office.]*

29 **SECTION 2. The amendments to ORS 255.295 by section 1 of this 2017 Act apply to**  
30 **elections held on or after the effective date of this 2017 Act.**

**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.

