

Senate Bill 1567

Sponsored by Senators COURTNEY, BURDICK, WINTERS (Pre-session filed.)

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**.

Removes ability of major political party to use party rule, rather than primary election, to select party nominee in situations when vacancy in state office or office of state Senator occurs on or before 70th day before primary election and remaining two years of term of office are filled by electors at next general election.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to method major political parties use to nominate candidates to fill vacancies; creating new
3 provisions; amending ORS 171.051 and 249.215; and declaring an emergency.

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

5 **SECTION 1.** ORS 171.051 is amended to read:

6 171.051. (1) When any vacancy occurs in the Legislative Assembly due to death or recall or by
7 reason of resignation filed in writing with the Secretary of State or a person is declared disqualified
8 by the house to which the person was elected, the vacancy shall be filled by appointment if:

9 (a) The vacancy occurs during any session of the Legislative Assembly;

10 (b) The vacancy occurs in the office of a state Representative before the 61st day before the
11 general election to be held during that term of office;

12 (c) The vacancy occurs in the office of a state Senator before the 61st day before the first gen-
13 eral election to be held during that term of office;

14 (d) The vacancy occurs in the office of a state Senator at any time after the 62nd day before the
15 first general election and before the 61st day before the second general election to be held during
16 that term of office; or

17 (e) A special session of the Legislative Assembly will be convened before a successor to the of-
18 fice can be elected and qualified.

19 (2) The person appointed under the provisions of subsection (1) of this section shall be a citizen
20 qualified to hold the office, an elector of the affected legislative district and a member of the same
21 political party for at least 180 days before the date on which the vacancy occurred. The political
22 affiliation of a person appointed under subsection (1) of this section shall be determined under ORS
23 236.100. The appointment shall be made by the county courts or boards of county commissioners of
24 the affected counties pursuant to ORS 171.060 to 171.064. When the provisions of ORS 171.060 (1)
25 are applicable, the appointment shall be made from a list of not fewer than three nor more than five
26 nominees who have signed written statements indicating that they are willing to serve furnished by
27 the Secretary of State. If fewer than three names of nominees are furnished, a list shall not be
28 considered to have been submitted and the county courts or boards of county commissioners shall
29 fill the vacancy. The vacancy must be filled by appointment within 30 days after its occurrence or
30 not later than the time set for the convening of the special session described in subsection (1)(e) of

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 this section when that is the basis for filling the vacancy.

2 (3) If the appointing authority required by this section to fill the vacancy does not do so within
3 the time allowed, the Governor shall fill the vacancy by appointment within 10 days.

4 (4) Notwithstanding any appointment under the provisions of subsection (1)(c) of this section,
5 when a vacancy occurs in the office of a state Senator before the 61st day before the first general
6 election to be held during that term of office, the remaining two years of the term of office shall
7 be filled by the electors of the affected legislative district at the first general election.

8 (5) Candidates for the remaining two years of the term of office of a state Senator under sub-
9 section (4) of this section shall be nominated as provided in ORS chapter 249, **with major political**
10 **parties following the procedure set forth in ORS 249.200**, except as follows:

11 (a) A [*major political party,*] minor political party, assembly of electors or individual electors
12 may select a nominee for any vacancy occurring before the 61st day before the first general election;
13 and

14 (b) The Secretary of State shall accept certificates of nomination and notifications of nominees
15 selected **at a primary election or** by party rule and filed with the secretary pursuant to a schedule
16 for filing set by the Secretary of State but in any case not later than the 62nd day before the first
17 general election.

18 (6) The remaining two years of the term of office of a state Senator under subsection (4) of this
19 section will commence on the second Monday in January following the general election. Any ap-
20 pointment under the provisions of subsection (1)(c) of this section shall expire when a successor to
21 the office is elected and qualified.

22 **SECTION 2.** ORS 249.215 is amended to read:

23 249.215. (1) If a vacancy occurs in a state office before the 61st day before the first general
24 election to be held during that term of office, the remaining two years of the term of the state office
25 shall be filled by the electors at that general election.

26 (2) The remaining two years of the term of the state office shall commence on the second
27 Monday in January following the general election. Any appointment made to fill the vacancy shall
28 expire when a successor to the office is elected and qualified.

29 (3) Candidates for the remaining two years of the term of the state office under this section shall
30 be nominated as provided in this chapter, **with major political parties following the procedure**
31 **set forth in ORS 249.200**, except as follows:

32 (a) A [*major political party or a*] minor political party, by party rule, or an assembly of electors
33 or individual electors, may select a nominee; and

34 (b) The Secretary of State shall accept certificates of nomination and notifications of nominees
35 filed with the secretary pursuant to a schedule for filing set by the secretary, but in any case not
36 later than the 62nd day before the first general election.

37 (4) As used in this section, "state office" means the office of Governor, Secretary of State, State
38 Treasurer, Attorney General and Commissioner of the Bureau of Labor and Industries.

39 **SECTION 3. The amendments to ORS 171.051 and 249.215 by sections 1 and 2 of this 2018**
40 **Act apply to the filling of any vacancy that occurs on or after the effective date of this 2018**
41 **Act.**

42 **SECTION 4. This 2018 Act being necessary for the immediate preservation of the public**
43 **peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect**
44 **on its passage.**