

**HB 3173 STAFF MEASURE SUMMARY**

**Carrier:** Rep. Leif

**House Committee On Rules**

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**Action Date:** 04/29/19

**Action:** Do Pass.

**Vote:** 6-0-1-0

**Yeas:** 6 - Boles, Holvey, Nosse, Smith Warner, Williamson, Wilson

**Exc:** 1 - Sprenger

**Fiscal:** No fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Josh Nasbe, Counsel

**Meeting Dates:** 3/27, 4/29

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**WHAT THE MEASURE DOES:**

Establishes terms of office when two or more county commissioners are elected at same election and one is elected to fill vacancy. Extends rule to apply to primary election. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Staggering terms to retain experience
- Uncertainty after recent election; legal opinions

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

ORS 204.005 establishes a general rule that candidates for county commission be included on the ballot at a primary or general election, if the term of a county commissioner expires the following January or if there is a vacancy for any cause in the office of county commissioner. ORS 204.010, in turn, provides for a four-year term, unless two or more candidates are elected and one of the candidates is elected to fill a vacant seat. In this circumstance, the statute requires that one of the candidates hold office for a term of two years, rather than four, but does not specify which candidate. House Bill 3173 expressly provides that the commissioner elected to fill the vacancy serves for a two-year term and clarifies that this rule applies, regardless of whether the election is held on the date of a primary election or a general election. House Bill 3173 declares an emergency, effective on passage.