

# House Bill 2107

Sponsored by Representative CLEM (at the request of Brandon Jenkins) (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**.

Changes date of primary election from third Tuesday in May to second Tuesday in March.

Allows Secretary of State to change date of primary election during presidential election years if date change results in primary election in Oregon being held seven or more days after date on which first primary election held during election cycle is held in any other state.

Alters certain deadlines associated with primary election.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to primary election dates; amending ORS 203.085, 221.230, 248.007, 249.037, 249.170, 251.065,  
3 254.056, 255.185 and 255.335; and prescribing an effective date.

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

5 **SECTION 1.** ORS 254.056 is amended to read:

6 254.056. (1) The general election shall be held on the first Tuesday after the first Monday in  
7 November of each even-numbered year. Except as provided in ORS 254.650, at the general election  
8 officers of the state and subdivisions of the state, members of Congress and electors of President  
9 and Vice President of the United States as are to be elected in that year shall be elected.

10 (2) **Except as provided in subsection (3) of this section**, the primary election shall be held  
11 on the [*third Tuesday in May*] **second Tuesday in March** of each even-numbered year. At the pri-  
12 mary election precinct committee persons shall be elected and major political party candidates shall  
13 be nominated for offices to be filled at the general election held in that year.

14 (3)(a) **The Secretary of State may change the date of the primary election held in a year**  
15 **during which candidates for President and Vice President of the United States will be listed**  
16 **on the ballot if the date change will result in the primary election being held seven or more**  
17 **days after the date on which the first primary election held during that election cycle is held**  
18 **in any other state.**

19 (b) **If the secretary decides to change the date of the primary election under this sub-**  
20 **section, the secretary shall adopt administrative rules establishing the new date of the pri-**  
21 **mary election. Administrative rules adopted under this subsection:**

22 (A) **Shall be adopted by the secretary no later than by the first day of December in the**  
23 **year before the primary election will be held; and**

24 (B) **Notwithstanding any other provision of law, may adjust deadlines connected to the**  
25 **primary election to the extent necessary to ensure that all deadlines fall on regular business**  
26 **days.**

27 **SECTION 2.** ORS 248.007 is amended to read:

28 248.007. (1) Subject to ORS 248.005, a major political party may organize and select delegates  
29 to national party conventions in any manner.

**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 (2) The provisions of ORS 248.012 to 248.315 do not apply to a major political party if the party  
2 has notified the Secretary of State as provided in subsection (5) of this section that the party does  
3 not intend to be subject to the provisions of ORS 248.012 to 248.315. References to precinct com-  
4 mitteepersons in any provisions of ORS chapters 246 to 260 do not apply to a party described in this  
5 subsection.

6 (3) ORS 248.012 to 248.315 apply only to a major political party that has notified the Secretary  
7 of State as provided in subsection (5) of this section that the political party intends to be subject  
8 to the provisions of ORS 248.012 to 248.315. References to precinct committeepersons in any pro-  
9 visions of ORS chapters 246 to 260 shall apply to a party described in this subsection. If a major  
10 political party fails to notify the Secretary of State under this subsection, the party shall be con-  
11 sidered subject to the provisions of ORS 248.012 to 248.315.

12 (4) A major political party shall notify the Secretary of State as provided in subsection (5) of this  
13 section if the party does not intend to be subject to the provisions of ORS 248.012 to 248.315 except  
14 that the party intends to elect precinct committeepersons. If a party notifies the Secretary of State  
15 under this subsection, the party shall elect precinct committeepersons only as provided in ORS  
16 248.015 and shall elect precinct committeepersons in the same manner in all precincts in this state.

17 (5) Not later than the 271st day before the date of the primary election, a major political party  
18 shall notify the Secretary of State in writing whether or not the party intends to be subject to the  
19 provisions of ORS 248.012 to 248.315 or whether the party intends to elect precinct committeeper-  
20 sons under subsection (4) of this section. If the major political party does not intend to be subject  
21 to the provisions of ORS 248.012 to 248.315 or intends to elect precinct committeepersons under  
22 subsection (4) of this section, the party shall file with the Secretary of State, at the same time notice  
23 is given under this subsection, a copy of its organizational documents setting forth the manner in  
24 which its officers and managing committees are selected or any other manner in which it conducts  
25 its affairs.

26 (6) In each even-numbered year, a major political party shall file with the Secretary of State a  
27 statement indicating that the party is operating subject to ORS 248.012 to 248.315 or a copy of  
28 current organizational documents setting forth the manner in which its officers and managing com-  
29 mittees are selected or any other manner in which it conducts its affairs. Material described in this  
30 subsection shall be filed between the 271st and the 277th day before the [*third Tuesday in May*]  
31 **second Tuesday in March** of each odd-numbered year.

32 (7) A major political party subject to the provisions of this section shall nominate candidates  
33 of the major political party, for other than political party office, at the primary election.

34 **SECTION 3.** ORS 255.185 is amended to read:

35 255.185. (1) In a district that holds regular district elections, if an initiative or referendum pe-  
36 tition contains the required number of verified signatures, the election on the district measure shall  
37 be held on the [*third Tuesday in May*] **second Tuesday in March**, the first Tuesday after the first  
38 Monday in November or the date of the next scheduled regular district election. The election date  
39 may not be sooner than the next available date listed in this subsection for which the filing deadline  
40 may be met and may not be later than the first regular district election following the 40th day after  
41 the date of the order calling the election.

42 (2) In a district that does not hold regular district elections, if an initiative or referendum pe-  
43 tition contains the required number of verified signatures, the election on the district measure shall  
44 be held at the next available date listed in subsection (1) of this section for which the filing deadline  
45 may be met.

**SECTION 4.** ORS 255.335 is amended to read:

255.335. (1) The regular district election shall be held by each district for the purpose of electing members of the district board to succeed a member whose term expires the following June 30 and to elect members to fill any vacancy which then may exist. The election shall be held in each such district in each odd-numbered year on the *[third Tuesday in May]* **second Tuesday in March**.

(2) A district shall not conduct more than one election of board members in any year.

(3) The first regular district election in a district shall be held on the regular district election date next following the year in which the first members of the district board were elected or appointed.

(4) The term of a board member elected at the regular district election shall commence on the first day of July next following the election and shall expire June 30 next following the regular district election at which a successor is elected.

(5) Each district board shall hold a regular organizational meeting following the regular district election and not later than the last day of July of that year.

**SECTION 5.** ORS 249.037, as amended by section 8, chapter 70, Oregon Laws 2018, is amended to read:

249.037. (1) Except as otherwise provided in this section, a nominating petition or declaration of candidacy shall be filed not sooner than the 250th day and not later than the *[70th]* **80th** day before the date of the nominating election.

(2) If a vacancy occurs in a partisan elective office after the 80th day and before the 70th day before the nominating election, a nominating petition or declaration of candidacy for that office may be filed not later than the 65th day before the nominating election.

*[(3) A declaration of candidacy for the office of precinct committeeperson may not be filed before February 1 immediately preceding the primary election.]*

**SECTION 6.** ORS 249.170 is amended to read:

249.170. (1) A candidate who has filed a declaration of candidacy or a nominating petition may withdraw not later than the *[67th]* **77th** day before the date of the primary election by filing a statement of withdrawal with the filing officer with whom the declaration or petition was filed. The statement shall be made under oath and state the reasons for withdrawal.

(2) The official with whom a declaration of candidacy is filed, upon request received not later than the *[67th]* **77th** day before the date of the primary election, shall refund the filing fee of a candidate who dies, withdraws or becomes ineligible for the nomination.

**SECTION 7.** ORS 251.065 is amended to read:

251.065. (1)(a) Except as provided in paragraph (b) of this subsection, not sooner than the 120th day and not later than the *[68th]* **78th** day before the primary election, a candidate or agent on behalf of the candidate for nomination or election at the primary election to the office of President or Vice President of the United States, United States Senator, Representative in Congress or a state office as defined in ORS 249.002 may file with the Secretary of State a portrait of the candidate and a statement of the reasons the candidate should be nominated or elected. A candidate or agent on behalf of the candidate for nomination or election to a county or city office, or to an elected office of a metropolitan service district organized under ORS chapter 268, may file a portrait and statement under this subsection if permitted under ORS 251.067.

(b) A portrait and statement may be filed not later than the 63rd day before the primary election in the event of a vacancy described in ORS 249.037 (2).

(2) Not sooner than the 120th day and not later than the 70th day before the general election,

1 a candidate or agent on behalf of the candidate for election at the general election to the office of  
 2 President or Vice President of the United States, United States Senator, Representative in Congress  
 3 or a state office as defined in ORS 249.002 may file with the Secretary of State a portrait of the  
 4 candidate and a statement of the reasons the candidate should be elected. A candidate or agent on  
 5 behalf of the candidate for election to a county or city office, or to an elected office of a metropol-  
 6 itan service district organized under ORS chapter 268, may file a portrait and statement under this  
 7 subsection if permitted under ORS 251.067.

8 (3) In the case of a special election to fill a vacancy as described in ORS 251.022, the Secretary  
 9 of State by rule shall set the deadline for filing with the secretary a portrait of the candidate and  
 10 a statement of the reasons the candidate should be nominated or elected.

11 (4) All portraits and statements described in this section must be filed using the electronic filing  
 12 system adopted by the Secretary of State under ORS 251.014.

13 (5) Subject to the requirements of this section, the Secretary of State by rule shall establish the  
 14 format of the statements permitted under this section.

15 (6) A portrait or statement filed under this section must be accompanied by a telephone or  
 16 electronic facsimile transmission machine number where the candidate may be contacted for pur-  
 17 poses of ORS 251.087.

18 **SECTION 8.** ORS 203.085 is amended to read:

19 203.085. (1) Except as provided in subsection (3) of this section, no election on a county measure  
 20 referred by the county governing body or for a county office shall be held on any date other than:

- 21 (a) The second Tuesday in March;
- 22 (b) The third Tuesday in May;
- 23 (c) The third Tuesday in September; or
- 24 (d) The first Tuesday after the first Monday in November.

25 (2) Except as provided in subsection (3) of this section, no election on a county measure other  
 26 than a county measure referred by the county governing body shall be held on any date other than:

- 27 **(a) The second Tuesday in March;**
- 28 [(a)] **(b) The third Tuesday in May; or**
- 29 [(b)] **(c) The first Tuesday after the first Monday in November.**

30 (3) An emergency election may be held on a date other than those provided in subsection (1)  
 31 or (2) of this section if the county governing body by resolution finds that an emergency exists that  
 32 will require an election sooner than the next available election date to avoid extraordinary hardship  
 33 to the community. A determination under this subsection as to whether an emergency exists is  
 34 within the sole discretion of the county governing body.

35 (4) A county governing body, with adequate notice, shall hold a public hearing, on a date other  
 36 than a regularly scheduled meeting, for the purpose of making findings substantiating the fact that  
 37 an emergency exists before scheduling an election on a date other than those specified in subsection  
 38 (1) or (2) of this section.

39 (5) Notice of a county's intent to hold an emergency election shall be filed with the county  
 40 elections authority no later than 47 days preceding the desired election date. At the time the notice  
 41 of election is given to the county elections authority, the county shall also file with the elections  
 42 authority a certified copy of the ballot title and a copy of the resolution and findings adopted by the  
 43 county governing body to authorize the emergency election as required under subsection (4) of this  
 44 section.

45 **SECTION 9.** ORS 221.230 is amended to read:

1 221.230. (1) Except as provided in subsection (3) of this section, no election on a city measure  
2 referred by the city governing body or for a city office shall be held on any date other than:

3 (a) The second Tuesday in March;

4 (b) The third Tuesday in May;

5 (c) The third Tuesday in September; or

6 (d) The first Tuesday after the first Monday in November.

7 (2) Except as provided in subsection (3) of this section, no election on a city measure other than  
8 a city measure referred by the city governing body shall be held on any date other than:

9 **(a) The second Tuesday in March;**

10 [(a)] **(b)** The third Tuesday in May; or

11 [(b)] **(c)** The first Tuesday after the first Monday in November.

12 (3) An emergency election may be held on a date other than those provided in subsection (1)  
13 or (2) of this section if the city governing body by resolution finds that an emergency exists that  
14 will require an election sooner than the next available election date to avoid extraordinary hardship  
15 to the community. A determination under this subsection as to whether an emergency exists is  
16 within the sole discretion of the city governing body.

17 (4) A city governing body, with adequate notice, shall hold a public hearing, on a date other  
18 than a regularly scheduled council meeting, for the purpose of making findings substantiating the  
19 fact that an emergency exists before scheduling an election on a date other than those specified in  
20 subsection (1) or (2) of this section.

21 (5) Notice of a city's intent to hold an emergency election shall be filed with the county  
22 elections authority no later than 47 days preceding the desired election date. At the time the notice  
23 of election is given to the county elections authority, the city shall also file with the elections au-  
24 thority a certified copy of the ballot title and a copy of the resolution and findings adopted by the  
25 city governing body to authorize the emergency election as required under subsection (4) of this  
26 section.

27 **SECTION 10. This 2019 Act takes effect on the 91st day after the date on which the 2019**  
28 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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