

House Bill 2491

Sponsored by Representative HOLVEY, Senator BOQUIST (at the request of Oregon Association of County Clerks)
(Presession 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**.

Permits person to nominate individual, who is in same county, House of Representatives district and major party as person, as write-in candidate for precinct committeeperson. Establishes procedure for write-in candidate.

Changes references to filing officer responsible for precinct committeeperson from "county clerk" to "county elections official."

Requires one committeeperson for every 250 electors, rather than two for every 500 electors, who are registered in precinct.

A BILL FOR AN ACT

1
2 Relating to precinct committeepersons; creating new provisions; and amending ORS 248.015, 248.023,
3 248.024, 248.026, 248.029, 248.033, 248.035, 248.043 and 249.035.

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

5 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 248.**

6 **SECTION 2. (1) An elector may nominate a separate elector as a write-in candidate for**
7 **the office of precinct committeeperson if the elector making the nomination submits, not**
8 **later than 8 p.m. on the date of the primary election, a write-in nomination on a form pre-**
9 **scribed by the Secretary of State by rule. The write-in nomination shall:**

10 **(a) Certify that both the elector making the nomination and the write-in candidate:**

11 **(A) Are members of the same major political party; and**

12 **(B) Reside in the same county and within the same district boundary for the House of**
13 **Representatives listed in ORS 188.290.**

14 **(b) Request that the county elections official count any write-in votes received by the**
15 **write-in candidate.**

16 **(2) An elector who is nominated as a write-in candidate under this section is not eligible**
17 **for election to the office of precinct committeeperson unless:**

18 **(a) The write-in candidate meets the qualifications set forth in ORS 248.015 (4); and**

19 **(b) The write-in candidate receives three or more votes.**

20 **SECTION 3. ORS 249.035 is amended to read:**

21 249.035. A nominating petition, **write-in nomination form prepared under section 2 of this**
22 **2019 Act** or declaration of candidacy relating to a candidate for:

23 (1) State office, United States Senator or Representative in Congress shall be filed with the
24 Secretary of State.

25 (2) County office or precinct committeeperson shall be filed with the county [*clerk*] **elections**
26 **official.**

27 (3) City office shall be filed with the chief city elections officer.

28 (4) Any elected office of a metropolitan service district under ORS chapter 268 shall be filed

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 with the county *[clerk]* **elections official** of the county in which the administrative office of the
2 district is located.

3 (5) Any other office shall be filed under ORS chapter 255.

4 **SECTION 4.** ORS 248.023 is amended to read:

5 248.023. (1) Not later than the 20th day after a primary election, the county *[clerk]* **elections**
6 **official** shall mail a certificate of election to each newly elected precinct committeeperson within
7 the county. The *[clerk]* **elections official** also shall mail an "Acceptance of Office" form to each
8 person elected by write-in votes to the office of committeeperson. The form shall include a statement
9 to be signed by the person elected that the person is qualified to hold the office.

10 (2) A person elected by write-in votes to the office of precinct committeeperson shall be certified
11 for the office by filing with the county *[clerk]* **elections official**, not later than the 27th day after
12 the date of the primary election, a signed "Acceptance of Office" form.

13 (3) Not later than the 31st day after a primary election, the county *[clerk]* **elections official**
14 shall prepare, maintain and furnish to the chairpersons of the respective retiring county central
15 committees within the county and the chairpersons of the state central committees, a list of the
16 party precinct committeepersons elected and certified. At the same time the county *[clerk]* **elections**
17 **official** shall declare the other offices of committeeperson vacant.

18 **SECTION 5.** ORS 248.024 is amended to read:

19 248.024. (1) A precinct committeeperson may resign from the office by filing a written notifica-
20 tion of resignation with the county *[clerk]* **elections official**. Upon receipt of this notification, the
21 county *[clerk]* **elections official** shall:

22 (a) Remove the name of the person from the list of committeepersons.

23 (b) Declare that office vacant.

24 (c) Notify the appropriate county central committee.

25 (2) When a precinct committeeperson ceases to be registered in the precinct in which the com-
26 mitteeperson was elected or a precinct adjoining that precinct within the same county, changes
27 political party registration or dies, the county central committee shall notify the county *[clerk]*
28 **elections official** of the fact. Upon receipt of this notification, if the county *[clerk]* **elections offi-**
29 **cial** determines that the notification is correct, the *[clerk]* **elections official** shall:

30 (a) Remove the name of the person from the list of committeepersons.

31 (b) Declare that office vacant.

32 **SECTION 6.** ORS 248.026 is amended to read:

33 248.026. (1) The members of a county central committee may select a member of the major pol-
34 itical party who is registered in the precinct in which the vacancy exists, or registered in a precinct
35 within the same county adjoining that precinct, to fill a vacancy in the office of precinct com-
36 mitteeperson.

37 (2) When a county central committee votes to select a person to fill a vacancy in the office of
38 precinct committeeperson, the chairperson of the committee shall give written notice to the county
39 *[clerk]* **elections official** of the proposed selection. The selection shall take effect when the county
40 *[clerk]* **elections official** upon timely verification of eligibility, places the name of the person sel-
41 lected on the list of committeepersons. The county *[clerk]* **elections official** shall then send written
42 notice of the selection to the person and the county central committee.

43 (3) A person selected to fill a vacancy in the office of precinct committeeperson may be removed
44 from office at the pleasure of the central committee, but, except as provided in subsection (4) of this
45 section, otherwise shall hold the office for the unexpired term and shall have the powers, duties and

1 privileges of an elected committeeperson.

2 (4) A person selected to fill a vacancy in the office of precinct committeeperson may not vote
 3 on the election of county central committee officers at the organizational meeting of the committee
 4 as provided in ORS 248.035. A person selected to fill a vacancy in the office of precinct committee-
 5 person may vote to fill any vacancy in a committee office after the organizational meeting.

6 **SECTION 7.** ORS 248.029 is amended to read:

7 248.029. (1) Except as provided in this section, the provisions for recall of a public officer under
 8 ORS 249.002 to 249.013 and 249.865 to 249.877, apply to a recall election of a precinct committee-
 9 person.

10 (2) A precinct committeeperson may be recalled by a petition signed by the number of party
 11 members equal to not less than 25 percent of the number of party members who voted in the pre-
 12 cinct as it existed at the preceding primary election. The petitioners shall state in not more than
 13 200 words on the recall petition the reasons for the recall. If the committeeperson resigns, the res-
 14 ignation shall take effect on the date of the resignation. If the committeeperson does not resign be-
 15 fore the fifth day after the petition is filed with the county [*clerk*] **elections official**, a special
 16 election shall be ordered by the county [*clerk*] **elections official** to be held not later than the 25th
 17 day after the petition is filed to determine whether the committeeperson will be recalled. The recall
 18 election shall be held in the precinct as it existed when the committeeperson was elected. On the
 19 ballot shall be printed the reasons for the recall stated in the recall petition, and, in not more than
 20 200 words, the committeeperson’s justification of the committeeperson’s actions in office. The com-
 21 mitteeperson shall continue to perform duties of the office until the result of the special election is
 22 declared.

23 (3) The cost of the election shall be paid by the county central committee of the party of the
 24 committeeperson.

25 **SECTION 8.** ORS 248.033 is amended to read:

26 248.033. (1) The organizational meeting of a county central committee shall be held no less fre-
 27 quently than every 25 months.

28 (2) The retiring county central committee shall prepare a written notice designating the time,
 29 date and place of the meeting and file a copy of the notice with the county [*clerk*] **elections official**
 30 not later than the 40th day before the date of the meeting. The retiring county central committee
 31 also shall mail a copy of the notice to the state central committee.

32 (3) Upon request of a county central committee, the county [*clerk*] **elections official** shall pro-
 33 vide the county central committee, without charge, a list of the names, addresses and other contact
 34 information, including electronic mail addresses or telephone numbers, of persons holding the office
 35 of precinct committeeperson for that major political party on the date the [*clerk*] **elections official**
 36 receives notice of an organizational meeting under subsection (2) of this section.

37 (4) The chairperson of the retiring county central committee shall mail a copy of the notice of
 38 the time, date and place of the meeting, not later than the 10th day before the meeting, to each
 39 member of the county central committee. If permitted by the bylaws of the county central committee,
 40 the county central committee may notify members by means other than by mail.

41 **SECTION 9.** ORS 248.035 is amended to read:

42 248.035. (1) At the organizational meeting of a county central committee:

43 (a) The officers of the retiring county central committee shall make available to the committee
 44 the property, records and funds owned or controlled by the retiring committee.

45 (b) The committee next shall elect a chairperson, vice chairperson and other officers the com-

1 mittee considers necessary. The persons elected to the offices need not be members of the county
 2 central committee. The committee shall determine the term of each office. Only a newly elected
 3 precinct committeeperson may vote on the election of committee officers.

4 (2) The elected chairperson, within 48 hours of the chairperson's election, shall send a list of the
 5 officers of the committee to the county *[clerk]* **elections official** and to the state central committee.

6 (3) Only a newly elected precinct committeeperson or a person appointed or selected to fill a
 7 vacancy in the office of committeeperson may vote to fill a vacancy in a committee office. Imme-
 8 diately before a meeting of the county central committee at which there may be an election to fill
 9 a vacancy in a committee office, the chairperson shall obtain from the county *[clerk]* **elections of-
 10 ficial** a list of committee members. The list shall determine the eligibility of a committeeperson to
 11 vote to fill a vacancy in a committee office.

12 **SECTION 10.** ORS 248.043 is amended to read:

13 248.043. If a newly elected county central committee fails to meet or to organize or if no person
 14 within a county is elected by a major political party as a precinct committeeperson, the chairperson
 15 of the retiring state central committee shall appoint a temporary chairperson of the county central
 16 committee. The temporary chairperson shall call an organizational meeting and organize the com-
 17 mittee as provided by applicable provisions of ORS 248.033 and 248.035. A temporary chairperson
 18 appointed when no precinct committeeperson is elected may appoint members to fill the vacancies
 19 in the office of committeeperson for the precinct in which the persons are registered. A person so
 20 appointed may be removed from office at the pleasure of the central committee, but otherwise shall
 21 hold the office of committeeperson for the unexpired term and shall have the powers, duties and
 22 privileges of a committeeperson. When a person is appointed to the office of committeeperson pur-
 23 suant to this subsection, the temporary chairperson shall notify, in writing, the county *[clerk]*
 24 **elections official** of the appointment. The county *[clerk]* **elections official** shall place the name of
 25 the person appointed on the list of committeepersons.

26 **SECTION 11.** ORS 248.015 is amended to read:

27 248.015. (1) A precinct committeeperson shall be a representative of the major political party in
 28 the precinct. At the primary election a major political party shall elect from its members a com-
 29 mitteeperson *[of each sex]* for every *[500]* **250** electors, or major fraction thereof, who are registered
 30 in the precinct on January 31 of the year of the primary election. In any event the political party
 31 members of a precinct shall be entitled to elect not less than *[one committeeperson of each sex]* **two
 32 committeepersons** in the precinct. *[No]* **A** person *[shall]* **may not** hold office as committeeperson
 33 in more than one precinct.

34 (2) A member of a major political party may become a candidate for precinct committeeperson
 35 of the precinct in which the person is registered, or of a precinct within the same county adjoining
 36 that precinct, by filing a declaration of candidacy described in ORS 249.031, except as provided in
 37 subsection (3) of this section.

38 (3) ORS 249.031 (1)(i) *[shall]* **does** not apply to declarations of candidacy for candidates for pre-
 39 cinct committeeperson.

40 (4) A member of the major political party who has been a member of that party for 180 days
 41 before the primary election may be elected by write-in votes as precinct committeeperson of the
 42 precinct in which the member is registered, or of a precinct within the same county adjoining that
 43 precinct.

44 (5) Unless a qualified person receives at least three votes, no person *[shall be]* **is** deemed to have
 45 been elected as precinct committeeperson and the office of committeeperson shall be vacant.

1 (6) The term of office of a precinct committeeperson is from the 24th day after the date of the
2 primary election until the 24th day after the date of the next following primary election.

3 (7) A precinct committeeperson [*shall not be*] **is not** considered a public officer.

4 **SECTION 12. Section 2 of this 2019 Act and the amendments to ORS 248.015, 248.023,**
5 **248.024, 248.026, 248.029, 248.033, 248.035, 248.043 and 249.035 by sections 3 to 11 of this 2019**
6 **Act apply to the nomination and election of precinct committeepersons on or after the ef-**
7 **fective date of this 2019 Act.**

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