

Senate Bill 779

Sponsored by Senator KNOPP, Representative CLEM; Senators BENTZ, BOQUIST, THATCHER, Representative LIVELY

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 certain elections from third Tuesday in May to first Tuesday in March.
Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to date of election; amending ORS 171.185, 203.085, 221.230, 248.007, 249.037, 254.056,
3 255.185, 255.335, 255.345 and 258.075; 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) The primary election shall be held on the [*third Tuesday in May*] **first Tuesday in March**
11 of each even-numbered year. At the primary election precinct committeepersons shall be elected and
12 major political party candidates shall be nominated for offices to be filled at the general election
13 held in that year.

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

15 248.007. (1) Subject to ORS 248.005, a major political party may organize and select delegates
16 to national party conventions in any manner.

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

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

28 (4) A major political party shall notify the Secretary of State as provided in subsection (5) of this
29 section if the party does not intend to be subject to the provisions of ORS 248.012 to 248.315 except
30 that the party intends to elect precinct committeepersons. If a party notifies the Secretary of State
31 under this subsection, the party shall elect precinct committeepersons only as provided in ORS

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.

1 248.015 and shall elect precinct committeepersons in the same manner in all precincts in this state.

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

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

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

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

20 255.185. (1) In a district that holds regular district elections, if an initiative or referendum pe-
21 tition contains the required number of verified signatures, the election on the district measure shall
22 be held on the [*third Tuesday in May*] **first Tuesday in March**, the first Tuesday after the first
23 Monday in November or the date of the next scheduled regular district election. The election date
24 may not be sooner than the next available date listed in this subsection for which the filing deadline
25 may be met and may not be later than the first regular district election following the 40th day after
26 the date of the order calling the election.

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

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

32 255.335. (1) The regular district election shall be held by each district for the purpose of electing
33 members of the district board to succeed a member whose term expires the following June 30 and
34 to elect members to fill any vacancy which then may exist. The election shall be held in each such
35 district in each odd-numbered year on the [*third Tuesday in May*] **first Tuesday in March**.

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

37 (3) The first regular district election in a district shall be held on the regular district election
38 date next following the year in which the first members of the district board were elected or ap-
39 pointed.

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

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

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

1 to read:

2 249.037. (1) Except as otherwise provided in this section, a nominating petition or declaration
3 of candidacy shall be filed not sooner than the 250th day and not later than the 70th day before the
4 date of the nominating election.

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

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

10 **SECTION 6.** ORS 203.085 is amended to read:

11 203.085. (1) Except as provided in subsection (3) of this section, no election on a county measure
12 referred by the county governing body or for a county office shall be held on any date other than:

13 (a) The [*second*] **first** Tuesday in March;

14 (b) The third Tuesday in May;

15 (c) The third Tuesday in September; or

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

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

19 **(a) The first Tuesday in March;**

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

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

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

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

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

37 **SECTION 7.** ORS 221.230 is amended to read:

38 221.230. (1) Except as provided in subsection (3) of this section, no election on a city measure
39 referred by the city governing body or for a city office shall be held on any date other than:

40 (a) The [*second*] **first** Tuesday in March;

41 (b) The third Tuesday in May;

42 (c) The third Tuesday in September; or

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

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

1 **(a) The first Tuesday in March;**

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

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

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

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

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

19 **SECTION 8.** ORS 171.185 is amended to read:

20 171.185. (1) Except as provided in subsection (2) of this section, an election called by the Leg-
21 islative Assembly shall be held only on:

22 (a) The [second] **first** Tuesday in March;

23 (b) The third Tuesday in May;

24 (c) The third Tuesday in September; or

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

26 (2) An election may be held on a date other than that provided in subsection (1) of this section,
27 if the Legislative Assembly by resolution or Act finds that an election sooner than the next avail-
28 able election date is required on a measure to finance repairs to property damaged by fire,
29 vandalism or a natural disaster.

30 **SECTION 9.** ORS 255.345 is amended to read:

31 255.345. (1) Except as provided in subsection (2) of this section, a special election called by a
32 district elections authority shall not be held on any date other than:

33 (a) The [second] **first** Tuesday in March;

34 (b) The third Tuesday in May;

35 (c) The third Tuesday in September; or

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

37 (2) A special election may be held on a date other than that provided in subsection (1) of this
38 section, if the district elections authority by resolution finds that an election sooner than the next
39 available election date is required on a measure to finance repairs to property damaged by fire,
40 vandalism or a natural disaster.

41 (3) As used in this section, “district elections authority” means the body or officer authorized
42 or required to call an election for a public corporation formed under, and deriving its powers solely
43 from, the statutes of this state, but does not include a city or county.

44 **SECTION 10.** ORS 258.075 is amended to read:

45 258.075. (1) Except as provided in subsection (4) of this section, after the contest hearing, the

1 circuit court shall render a judgment affirming or setting aside the approval or rejection of the
 2 measure.

3 (2) If the judgment sets aside the approval or rejection of a measure, the circuit court shall di-
 4 rect the measure to be resubmitted at a special election held on one of the dates specified in this
 5 subsection, as set by the court. In setting the election date, the court shall provide sufficient time
 6 for adequate notice to be given. The special election may be held on any of the following dates:

- 7 (a) The [second] **first** Tuesday in March;
- 8 (b) The third Tuesday in May;
- 9 (c) The third Tuesday in September; or
- 10 (d) The first Tuesday after the first Monday in November.

11 (3) The county of the county clerk or the local elections official who committed the error in the
 12 distribution of the official ballots shall bear the cost of the special election.

13 (4) In a contest under ORS 258.016 (7), the court shall determine whether the challenge to the
 14 determination of the number of electors who were eligible on election day to participate in the
 15 election on a measure conducted under section 11 (8), Article XI of the Oregon Constitution, is valid.
 16 In making the determination, the court shall rely on the provisions of ORS chapter 247 and shall
 17 receive testimony from the county clerk regarding the clerk’s administration of ORS chapter 247.
 18 If, after a contest hearing, the court determines that the challenge to the determination of the
 19 number of electors who were eligible to participate is valid and that the change in the number of
 20 electors eligible to participate is sufficient to change the outcome of the election on the measure,
 21 the court shall order the county clerk to make a new determination of the number of eligible elec-
 22 tors and to certify the results of the election based on the new determination.

23 **SECTION 11. This 2019 Act takes effect on the 91st day after the date on which the 2019**
 24 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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