

DRAFT

SUMMARY

Requires Governor to appoint United States Senator when vacancy in office occurs. Requires that appointed Senator be of same political party as elected Senator who vacated office.

Requires appointment to end when term of office ends or when replacement is elected at next general election to occur 61 or more days after vacancy, whichever comes first.

A BILL FOR AN ACT

Relating to vacancies in congressional office; creating new provisions; and amending ORS 188.120.

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

SECTION 1. Section 2 of this 2022 Act is added to and made a part of ORS 188.010 to 188.305.

SECTION 2. (1)(a) If a vacancy in election or office of United States Senator occurs, the Governor shall fill the vacancy by appointment. The Governor shall make the appointment required under this subsection no later than 30 days after the vacancy occurs.

(b)(A) A person appointed under this subsection must:

(i) Be a citizen qualified to hold the office; and

(ii) For at least 180 days before the date on which the vacancy occurred, be affiliated with the same political party as the person who vacated the office of United States Senator.

(B) The political affiliation of a person appointed under this subsection shall be determined under ORS 236.100.

(c) An appointment made under this subsection shall expire when

the term of office ends or a successor to the office is elected and qualified under subsection (2) of this section, whichever occurs first.

(2) Notwithstanding any appointment under subsection (1) of this section:

(a) When a vacancy occurs in the office of United States Senator before the 61st day before the first general election to be held during that term of office, the remaining four years of the term of office shall be filled by the electors of this state at the next general election that occurs 61 or more days after the vacancy occurs; and

(b) When a vacancy occurs in the office of United States Senator before the 61st day before the second general election to be held during that term of office, the remaining two years of the term of office shall be filled by the electors of this state at the next general election that occurs 61 or more days after the vacancy occurs.

SECTION 3. ORS 188.120 is amended to read:

188.120. (1) If a vacancy in election or office of Representative in Congress [*or United States Senator*] occurs before the 61st day before the general election, the Governor shall call a special election to fill that vacancy. [*If a vacancy in election or office of United States Senator occurs after the 62nd day before the general election but on or before the general election, and if the term of that office is not regularly filled at that election, the Governor shall call a special election to fill the vacancy as soon as practicable after the general election.*]

(2) If a special election to fill the vacancy in election or office of Representative in Congress [*or United States Senator*] is called before the 80th day after the vacancy occurs, each major political party shall select its nominee for the office and certify the name of the nominee to the Secretary of State. The Secretary of State shall place the name of the nominee on the ballot.

(3) If a special election to fill the vacancy in election or office of Representative in Congress [*or United States Senator*] is called after the 79th day after the vacancy occurs, a special primary election shall be conducted by

1 the Secretary of State for the purpose of nominating a candidate of each
2 major political party. A declaration of candidacy or nominating petition may
3 be filed not later than the 10th day following the issuance of the writ of
4 election.

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