

Senate Bill 392

Sponsored by Senator GIROD (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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act sets the date of certain elections to the first Tuesday in March of a year when a president is to be elected. (Flesch Readability Score: 69.6).

Changes the date of certain elections in presidential election years from the third Tuesday in May to the first Tuesday in March.

A BILL FOR AN ACT

1
2 Relating to the date of elections during presidential election years; amending ORS 171.185, 203.085,
3 221.230, 254.056, 255.185, 255.345 and 258.075.

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)(a)(A) **Except as provided in subparagraph (B) of this paragraph**, the primary election
11 shall be held on the third Tuesday in May of each even-numbered year. [*At the primary election*
12 *precinct committeepersons shall be elected and major political party candidates shall be nominated for*
13 *offices to be filled at the general election held in that year.*]

14 **(B) The primary election shall be held on the first Tuesday in March of each even-**
15 **numbered year in which a President and Vice President of the United States are to be nom-**
16 **inated and elected.**

17 **(b) At the primary election, precinct committeepersons shall be elected and major poli-**
18 **tical party candidates shall be nominated for offices to be filled at the general election held**
19 **in that year.**

20 **SECTION 2.** ORS 255.185 is amended to read:

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

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

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 may be met.

2 **SECTION 3.** ORS 221.230 is amended to read:

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

- 5 (a) The [*second*] **first** Tuesday in March;
- 6 (b) The third Tuesday in May;
- 7 (c) The fourth Tuesday in August; or
- 8 (d) The first Tuesday after the first Monday in November.

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

- 11 (a) **The first Tuesday in March;**
- 12 (b) The third Tuesday in May; or
- 13 [*b*] (c) The first Tuesday after the first Monday in November.

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

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

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

29 **SECTION 4.** ORS 203.085 is amended to read:

30 203.085. (1) Except as provided in subsection (3) of this section, no election on a county measure
31 referred by the county governing body or for a county office shall be held on any date other than:

- 32 (a) The [*second*] **first** Tuesday in March;
- 33 (b) The third Tuesday in May;
- 34 (c) The fourth Tuesday in August; or
- 35 (d) The first Tuesday after the first Monday in November.

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

- 38 (a) **The first Tuesday in March;**
- 39 (b) The third Tuesday in May; or
- 40 [*b*] (c) The first Tuesday after the first Monday in November.

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

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

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

11 **SECTION 5.** ORS 171.185 is amended to read:

12 171.185. (1) Except as provided in subsection (2) of this section, an election called by the Leg-
 13 islative Assembly shall be held only on:

- 14 (a) The [second] **first** Tuesday in March;
- 15 (b) The third Tuesday in May;
- 16 (c) The fourth Tuesday in August; or
- 17 (d) The first Tuesday after the first Monday in November.

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

22 **SECTION 6.** ORS 255.345 is amended to read:

23 255.345. (1) Except as provided in subsection (2) of this section, a special election called by a
 24 district elections authority shall not be held on any date other than:

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

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

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

36 **SECTION 7.** ORS 258.075 is amended to read:

37 258.075. (1) Except as provided in subsection (4) of this section, after the contest hearing, the
 38 circuit court shall render a judgment affirming or setting aside the approval or rejection of the
 39 measure.

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

- 44 (a) The [second] **first** Tuesday in March;
- 45 (b) The third Tuesday in May;

1 (c) The fourth Tuesday in August; or

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

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

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

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