

LC 594  
2019 Regular Session  
16500-011  
7/11/18 (DRG/ps)

# D R A F T

## SUMMARY

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

Allows Secretary of State to change date of primary during presidential election years if date change results in primary election in Oregon being held on same date as primary election in two or more of enumerated states.

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,  
3 249.037, 249.170, 251.065, 254.056, 255.185 and 255.335; and prescribing an  
4 effective date.

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

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

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

13 (2) **Except as provided in subsection (3) of this section**, the primary  
14 election shall be held on the [*third Tuesday in May*] **second Tuesday in**  
15 **March** of each even-numbered year. At the primary election precinct com-  
16 mitteepersons shall be elected and major political party candidates shall be  
17 nominated for offices to be filled at the general election held in that year.

**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       **(3)(a) The Secretary of State may change the date of the primary**  
2 **election held in a year during which candidates for President and Vice**  
3 **President of the United States will be listed on the ballot if the date**  
4 **change will result in the primary election held in the State of Oregon**  
5 **occurring on the same date as the primary election held in two or**  
6 **more of the following states:**

7       **(A) Arizona;**

8       **(B) California;**

9       **(C) Idaho;**

10       **(D) Nevada;**

11       **(E) Utah; or**

12       **(F) Washington.**

13       **(b) If the secretary decides to change the date of the primary**  
14 **election under this subsection, the secretary shall adopt administra-**  
15 **tive rules establishing the new date of the primary election. Adminis-**  
16 **trative rules adopted under this subsection:**

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

19       **(B) Notwithstanding any other provision of law, may adjust dead-**  
20 **lines connected to the primary election to the extent necessary to en-**  
21 **sure that all deadlines fall on regular business days.**

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

23       248.007. (1) Subject to ORS 248.005, a major political party may organize  
24 and select delegates to national party conventions in any manner.

25       (2) The provisions of ORS 248.012 to 248.315 do not apply to a major pol-  
26 itical party if the party has notified the Secretary of State as provided in  
27 subsection (5) of this section that the party does not intend to be subject to  
28 the provisions of ORS 248.012 to 248.315. References to precinct committee-  
29 persons in any provisions of ORS chapters 246 to 260 do not apply to a party  
30 described in this subsection.

31       (3) ORS 248.012 to 248.315 apply only to a major political party that has

1 notified the Secretary of State as provided in subsection (5) of this section  
2 that the political party intends to be subject to the provisions of ORS 248.012  
3 to 248.315. References to precinct committeepersons in any provisions of ORS  
4 chapters 246 to 260 shall apply to a party described in this subsection. If a  
5 major political party fails to notify the Secretary of State under this sub-  
6 section, the party shall be considered subject to the provisions of ORS  
7 248.012 to 248.315.

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

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

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

1 before the [*third Tuesday in May*] **second Tuesday in March** of each odd-  
2 numbered year.

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

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

7 255.185. (1) In a district that holds regular district elections, if an initi-  
8 ative or referendum petition contains the required number of verified signa-  
9 tures, the election on the district measure shall be held on the [*third*  
10 *Tuesday in May*] **second Tuesday in March**, the first Tuesday after the first  
11 Monday in November or the date of the next scheduled regular district  
12 election. The election date may not be sooner than the next available date  
13 listed in this subsection for which the filing deadline may be met and may  
14 not be later than the first regular district election following the 40th day  
15 after the date of the order calling the election.

16 (2) In a district that does not hold regular district elections, if an initi-  
17 ative or referendum petition contains the required number of verified signa-  
18 tures, the election on the district measure shall be held at the next available  
19 date listed in subsection (1) of this section for which the filing deadline may  
20 be met.

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

22 255.335. (1) The regular district election shall be held by each district for  
23 the purpose of electing members of the district board to succeed a member  
24 whose term expires the following June 30 and to elect members to fill any  
25 vacancy which then may exist. The election shall be held in each such dis-  
26 trict in each odd-numbered year on the [*third Tuesday in May*] **second**  
27 **Tuesday in March.**

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

30 (3) The first regular district election in a district shall be held on the  
31 regular district election date next following the year in which the first

1 members of the district board were elected or appointed.

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

6 (5) Each district board shall hold a regular organizational meeting fol-  
7 lowing the regular district election and not later than the last day of July  
8 of that year.

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

11 249.037. (1) Except as otherwise provided in this section, a nominating  
12 petition or declaration of candidacy shall be filed not sooner than the 250th  
13 day and not later than the [70th] **80th** day before the date of the nominating  
14 election.

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

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

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

23 249.170. (1) A candidate who has filed a declaration of candidacy or a  
24 nominating petition may withdraw not later than the [67th] **77th** day before  
25 the date of the primary election by filing a statement of withdrawal with the  
26 filing officer with whom the declaration or petition was filed. The statement  
27 shall be made under oath and state the reasons for withdrawal.

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

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

2        251.065. (1)(a) Except as provided in paragraph (b) of this subsection, not  
3 sooner than the 120th day and not later than the [68th] **78th** day before the  
4 primary election, a candidate or agent on behalf of the candidate for nomi-  
5 nation or election at the primary election to the office of President or Vice  
6 President of the United States, United States Senator, Representative in  
7 Congress or a state office as defined in ORS 249.002 may file with the Sec-  
8 retary of State a portrait of the candidate and a statement of the reasons the  
9 candidate should be nominated or elected. A candidate or agent on behalf  
10 of the candidate for nomination or election to a county or city office, or to  
11 an elected office of a metropolitan service district organized under ORS  
12 chapter 268, may file a portrait and statement under this subsection if per-  
13 mitted under ORS 251.067.

14        (b) A portrait and statement may be filed not later than the 63rd day be-  
15 fore the primary election in the event of a vacancy described in ORS 249.037  
16 (2).

17        (2) Not sooner than the 120th day and not later than the 70th day before  
18 the general election, a candidate or agent on behalf of the candidate for  
19 election at the general election to the office of President or Vice President  
20 of the United States, United States Senator, Representative in Congress or  
21 a state office as defined in ORS 249.002 may file with the Secretary of State  
22 a portrait of the candidate and a statement of the reasons the candidate  
23 should be elected. A candidate or agent on behalf of the candidate for  
24 election to a county or city office, or to an elected office of a metropolitan  
25 service district organized under ORS chapter 268, may file a portrait and  
26 statement under this subsection if permitted under ORS 251.067.

27        (3) In the case of a special election to fill a vacancy as described in ORS  
28 251.022, the Secretary of State by rule shall set the deadline for filing with  
29 the secretary a portrait of the candidate and a statement of the reasons the  
30 candidate should be nominated or elected.

31        (4) All portraits and statements described in this section must be filed

1 using the electronic filing system adopted by the Secretary of State under  
2 ORS 251.014.

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

5 (6) A portrait or statement filed under this section must be accompanied  
6 by a telephone or electronic facsimile transmission machine number where  
7 the candidate may be contacted for purposes of ORS 251.087.

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

9 203.085. (1) Except as provided in subsection (3) of this section, no  
10 election on a county measure referred by the county governing body or for  
11 a county office shall be held on any date other than:

12 (a) The second Tuesday in March;

13 (b) The third Tuesday in May;

14 (c) The third Tuesday in September; or

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

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

19 **(a) The second 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 pro-  
23 vided in subsection (1) or (2) of this section if the county governing body by  
24 resolution finds that an emergency exists that will require an election sooner  
25 than the next available election date to avoid extraordinary hardship to the  
26 community. A determination under this subsection as to whether an emer-  
27 gency exists is within the sole discretion of the county governing body.

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

1 or (2) of this section.

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

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

10 221.230. (1) Except as provided in subsection (3) of this section, no  
11 election on a city measure referred by the city governing body or for a city  
12 office shall be held on any date other than:

- 13 (a) The second 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  
18 city measure other than a city measure referred by the city governing body  
19 shall be held on any date other than:

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

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

29 (4) A city governing body, with adequate notice, shall hold a public  
30 hearing, on a date other than a regularly scheduled council meeting, for the  
31 purpose of making findings substantiating the fact that an emergency exists



1 before scheduling an election on a date other than those specified in sub-  
2 section (1) or (2) of this section.

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

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

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