

Enrolled House Bill 2491

Sponsored by Representative HOLVEY, Senator BOQUIST (at the request of Oregon Association of County Clerks) (Pre-session filed.)

CHAPTER

AN ACT

Relating to precinct committeepersons; creating new provisions; and amending ORS 248.015, 248.017, 248.023, 248.024, 248.026, 248.029, 248.033, 248.035, 248.043, 249.013, 249.035 and 249.037.

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

SECTION 1. Sections 2 and 3 of this 2019 Act are added to and made a part of ORS chapter 248.

SECTION 2. (1) Subject to ORS 248.015 (4), a person may participate as a write-in candidate for precinct committeeperson by filing with the county elections official a declaration of write-in candidacy. The declaration shall be made on a form prescribed by the Secretary of State by rule and must be filed no later than 8 p.m. on the date of the election. The form prescribed by the secretary must require that the person:

- (a) States that the person will serve as a precinct committeeperson if elected;
- (b) Requests that the county elections official count any write-in votes received by the write-in candidate; and
- (c) Attests that the person is legally qualified to serve as a precinct committeeperson.

(2) Upon receipt of the form filed under subsection (1) of this section, the county elections official shall determine whether the person meets the qualifications to serve as a precinct committeeperson. If the county elections official determines that the person meets the qualifications, the county elections official shall record the write-in votes received by the person during that election.

(3) If no person qualifies as a candidate or write-in candidate for a position of precinct committeeperson, that position shall be vacant.

SECTION 3. (1) An elector may nominate a separate elector as a write-in candidate for the office of precinct committeeperson if the elector making the nomination submits, not later than 8 p.m. on the date of the primary election, a write-in nomination on a form prescribed by the Secretary of State by rule. The write-in nomination shall:

- (a) Certify that both the elector making the nomination and the write-in candidate:
 - (A) Are members of the same major political party; and
 - (B) Reside in the same county and within the same district boundary for the House of Representatives listed in ORS 188.290.
- (b) Request that the county elections official count any write-in votes received by the write-in candidate.

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

- (a) **The write-in candidate meets the qualifications set forth in ORS 248.015 (4); and**
- (b) **The write-in candidate receives three or more votes.**

SECTION 4. ORS 249.035 is amended to read:

249.035. A nominating petition, **write-in form prepared under section 2 or 3 of this 2019 Act** or declaration of candidacy relating to a candidate for:

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

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

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

(4) Any elected office of a metropolitan service district under ORS chapter 268 shall be filed with the county *[clerk]* **elections official** of the county in which the administrative office of the district is located.

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

SECTION 5. ORS 248.023 is amended to read:

248.023. (1) Not later than the 20th day after a primary election, the county *[clerk]* **elections official** shall mail a certificate of election to each newly elected precinct committeeperson within the county. The *[clerk]* **county elections official** also shall mail an "Acceptance of Office" form to each person elected by write-in votes to the office of **precinct** committeeperson **who was nominated under section 3 of this 2019 Act**. The form shall include a statement to be signed by the person elected that the person is qualified to hold the office.

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

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

SECTION 6. ORS 248.024 is amended to read:

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

- (a) Remove the name of the person from the list of **precinct** committeepersons.
- (b) Declare that office vacant.
- (c) Notify the appropriate county central committee.

(2)(a) **The county central committee shall notify the county elections official** when a precinct committeeperson **changes party registration or dies or when a precinct committeeperson** ceases to be registered in:

(A) The precinct in which the committeeperson was elected; *[or]*

(B) A precinct adjoining **the precinct in which the committeeperson was elected** that *[precinct]* **is** within the same county¹, *changes political party registration or dies, the county central committee shall notify the county clerk of the fact.*; **or**

(C) **A precinct that is both within the same county and state Representative district as the precinct in which the committeeperson was elected.**

(b) Upon receipt of this notification, if the county *[clerk]* **elections official** determines that the notification is correct, the *[clerk]* **county elections official** shall:

[(a)] (A) Remove the name of the person from the list of **precinct** committeepersons.

[(b)] (B) Declare that office vacant.

SECTION 7. ORS 248.026 is amended to read:

248.026. (1) The members of a county central committee may **fill a vacancy in the office of precinct committeeperson by selecting** *[select]* a member of the major political party who is registered in:

(a) The precinct in which the vacancy exists[,]; *[or registered in a precinct within the same county adjoining that precinct, to fill a vacancy in the office of precinct committeeperson.]*

(b) **A precinct adjoining the precinct in which the vacancy exists that is within the same county; or**

(c) **A precinct that is both within the same county and state Representative district as the precinct in which the vacancy exists.**

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

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

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

SECTION 8. ORS 248.029 is amended to read:

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

(2) A precinct committeeperson may be recalled by a petition signed by the number of party members equal to not less than 25 percent of the number of party members who voted in the precinct as it existed at the preceding primary election. The petitioners shall state in not more than 200 words on the recall petition the reasons for the recall. If the **precinct** committeeperson resigns, the resignation shall take effect on the date of the resignation. If the **precinct** committeeperson does not resign before the fifth day after the petition is filed with the county *[clerk]* **elections official**, a special election shall be ordered by the county *[clerk]* **elections official** to be held not later than the 25th day after the petition is filed to determine whether the **precinct** committeeperson will be recalled. The recall election shall be held in the precinct as it existed when the committeeperson was elected. On the ballot shall be printed the reasons for the recall stated in the recall petition, and, in not more than 200 words, the **precinct** committeeperson's justification of the committeeperson's actions in office. The **precinct** committeeperson shall continue to perform duties of the office until the result of the special election is declared.

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

SECTION 9. ORS 248.033 is amended to read:

248.033. (1) The organizational meeting of a county central committee shall be held no less frequently than every 25 months.

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

(3) Upon request of a county central committee, the county *[clerk]* **elections official** shall provide the county central committee, without charge, a list of the names, addresses and other contact information, including electronic mail addresses or telephone numbers, of persons holding the office

of precinct committeeperson for that major political party on the date the [clerk] **county elections official** receives notice of an organizational meeting under subsection (2) of this section.

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

SECTION 10. ORS 248.035 is amended to read:

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

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

(b) The committee next shall elect a chairperson, vice chairperson and other officers the committee considers necessary. The persons elected to the offices need not be members of the county central committee. The committee shall determine the term of each office. Only a newly elected precinct committeeperson may vote on the election of committee officers.

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

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

SECTION 11. ORS 248.043 is amended to read:

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

SECTION 12. ORS 248.015 is amended to read:

248.015. (1) A precinct committeeperson shall be a representative of the major political party in the precinct. At the primary election a major political party shall elect from its members a **precinct** committeeperson [of each sex] for every [500] **250** electors, or major fraction thereof, who are registered in the precinct [on January 31 of the year of] **251 days before** the primary election. In any event the political party members of a precinct shall be entitled to elect not less than [one committeeperson of each sex] **two committeepersons** in the precinct. [No] **A person [shall] may not** hold office as **precinct** committeeperson in more than one precinct.

(2) A member of a major political party **who meets the party membership requirements set forth in ORS 249.046** may become a candidate for precinct committeeperson of the precinct in which the person is registered, [or] of a precinct within the same county adjoining that precinct **or of a precinct that is both in the same county and state Representative district as the precinct in which the person is registered**, by filing a declaration of candidacy described in ORS 249.031, except as provided in subsection (3) of this section.

(3) ORS 249.031 (1)(i) [shall] **does** not apply to declarations of candidacy for candidates for precinct committeeperson.

(4) A member of the major political party who has been a member of that party for 180 days before the primary election may be elected by write-in votes as precinct committeeperson of the precinct in which the member is registered, [or] of a precinct within the same county adjoining that precinct **or of a precinct that is both in the same county and state Representative district as the precinct in which the person is registered. A member elected by write-in votes must meet the requirements for write-in candidates set forth in this section and section 2 or 3 of this 2019 Act.**

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

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

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

SECTION 13. ORS 248.017 is amended to read:

248.017. Notwithstanding any provision of ORS 248.015, an otherwise qualified person who will attain the age of 18 years after the deadline for filing a declaration of candidacy for the office of precinct committeeperson and on or before the date of the primary election, and who is registered as a member of the major political party not later than **180 days before** the date of the primary election, is eligible to file a [nominating petition] **declaration of candidacy** for the office of precinct committeeperson, to be listed on the ballot and to be elected to the office, including by write-in votes.

SECTION 14. ORS 249.037, as amended by section 8, chapter 70, Oregon Laws 2018, is amended to read:

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

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

(3) A declaration of candidacy for the office of precinct committeeperson [may not be filed before February 1 immediately preceding] **shall be filed not sooner than the 250th day and not later than the 70th day before the date of** the primary election.

SECTION 15. ORS 249.013 is amended to read:

249.013. (1) A person may not be a candidate for more than one lucrative office to be filled at the same election.

(2)(a) A person may not file a nominating petition or declaration of candidacy for more than one lucrative office or more than one office of precinct committeeperson before the date of the election at which a person will be nominated or elected to each office unless the person first files a written withdrawal, under ORS 249.170, of the person's initial filing.

(b) Notwithstanding ORS 249.170, if a person files a declaration of write-in candidacy for an office of precinct committeeperson under section 2 of this 2019 Act, any prior declaration of candidacy for the office of precinct committeeperson that was filed for that election by the same person is considered withdrawn.

(3) If at any time before the date of the election at which a person will be nominated or elected to each office it is determined that a person has filed two or more nominating petitions or declarations of candidacy for any lucrative office or two or more nominating petitions or declarations of candidacy for the office of precinct committeeperson without written withdrawal or withdrawals intervening, all such filings are invalid and any other filing made by the same person is void.

(4)(a) A person may not be a candidate for more than one position on the same district board to be filled at the same election.

(b) As used in this subsection, "district board" means the governing body of a district as defined in ORS 255.012.

(5) A person may not be a candidate for more than one city office to be filled at the same election.

(6) Notwithstanding any provision of this section, in the case of a vacancy to be filled by election, the same person is eligible for nomination and election to both the unexpired and the succeeding terms. The name of the candidate may be placed on the ballot in both places.

SECTION 16. Sections 2 and 3 of this 2019 Act and the amendments to ORS 248.015, 248.017, 248.023, 248.024, 248.026, 248.029, 248.033, 248.035, 248.043, 249.013, 249.035 and 249.037 by sections 4 to 15 of this 2019 Act apply to the nomination and election of precinct committeepersons on or after the effective date of this 2019 Act.

Passed by House April 1, 2019

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate April 25, 2019

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

.....M,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

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Bev Clarno, Secretary of State