Chapter 249

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GENERAL PROVISIONS

249.002 Definitions. As used in this chapter:

(1) "Candidate" means an individual whose name is or is expected to be printed on the official ballot.

(2) "County clerk" means the county clerk or the county official in charge of elections.

(3) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Constitution.

(4) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon Tax Court, or any county judge who exercises judicial functions.

(5) "Member" means an individual who is registered as being affiliated with the political party.

(6) "Minor political party" means a political party that has qualified as a minor political party under ORS 248.008.

(7) "Nonpartisan office" means the office of judge, Superintendent of Public Instruction, Commissioner of the Bureau of Labor and Industries, any elected office of a metropolitan service district under ORS chapter 268, justice of the peace, county clerk, county assessor, county treasurer, sheriff, district attorney or any office designated nonpartisan by a home rule charter.

(8) "Prospective petition" means the information, except signatures and other identification of petition signers, required to be contained in a completed petition.

(9) "Public office" means any national, state, county, city or district office or position, except a political party office, filled by the electors.

(10) "State office" means Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, judge, state Senator, state Representative or district attorney. [1979 c.190 §94; 1983 c.350 §64; 1985 c.324 §1; 1987 c.707 §6; 1993 c.493 §5; 1995 c.92 §1; 1995 c.107 §1; 1995 c.607 §76; 2001 c.430 §1; 2009 c.491 §6]

249.004 Verification of documents. (1) A filing officer may verify the validity of the contents of the documents filed with the officer under this chapter.

(2) When a copy of any election document filed under this chapter is presented to the filing officer with whom the original document was filed and a request is made to have the copy compared and certified, the filing officer shall compare the copy with the original and, if necessary, correct the copy and certify and deliver it to the person who presented it. [Formerly 249.014]

249.005 Acceptance of petition or minutes without original signatures. (1) Notwithstanding ORS 249.008 and 249.875, a petition or minutes for which original signatures are otherwise required may be accepted by the county clerk for signature verification, or by another filing officer in the case of a recall petition, with photographic copies of one or more signature sheets if:

(a) The signature sheets containing the original signatures were stolen or destroyed by fire, a natural disaster or other act of God; and

(b) The photographic copy of each original signature sheet contains the number of the original signature sheet prescribed by the Secretary of State under ORS 249.009.

(2) As used in this section, "act of God" means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight. [1989 c.68 §11]

249.006 Official dating of petitions and declarations. Immediately upon filing, a nominating petition, declaration of candidacy, withdrawal, certificate of nomination or other document required to be filed under this chapter shall be dated and time stamped by the filing officer. [Formerly 249.130]

249.007 [1985 c.508 §4; repealed by 1995 c.607 §91]

249.008 Verification of signatures by county clerk; removal of signatures prohibited after submittal. (1) Except as provided in subsection (2) of this section, before a nominating petition, minutes of an assembly of electors, or petition by individual electors is offered for filing, the county clerk of each county in which the signatures were secured shall compare the signatures of electors on the petition or minutes with the signatures of the electors on the elector registration cards. Any petition or minutes submitted for verification under this section shall contain only original signatures. The county clerk shall attach to the petition or minutes a certificate stating the number of signatures believed to be genuine. The certificate is prima facie evidence of the facts stated in it. A signature not included in the number certified to be genuine shall not be counted by the officer with whom the petition is filed. No signature in violation of the provisions of this chapter shall be counted.

(2) If the total number of signatures presented to a county clerk for verification is 15,000 or more, the county clerk may use a statistical sampling technique authorized by the Secretary of State to verify the signatures. The sample shall be drawn from at

least 100 percent of the number of signatures required for nomination.

(3) After signatures of electors on a nominating petition, minutes of an assembly of electors or petition by individual electors are submitted for verification, no elector who signed the petition or minutes may remove the signature of the elector from the petition or minutes. [Formerly 249.055; 1985 c.808 §10; 1989 c.68 §2; 1993 c.493 §6]

249.009 Exclusive form of signature sheets for petitions; numbering of signature sheets; rules. (1) The Secretary of State by rule shall:

(a) Design the form of nominating or recall petitions, certificates of nomination by individual electors, minutes of an assembly of electors or minor political party formation petitions; and

(b) Prescribe a system for numbering all signature sheets of nominating or recall petitions, certificates of nomination by individual electors, minutes of an assembly of electors or minor political party formation petitions.

(2) Regardless of any provision to the contrary in a county or city charter or ordinance, for the purpose of nominating city or county candidates, recalling city or county officers or forming a minor political party, an individual must use the applicable form designed under this section. [Formerly 246.180; 1985 c.808 §11; 1989 c.68 §3]

249.010 [Repealed by 1957 c.608 §231]

249.011 [1957 c.608 §65(1); repealed by 1979 c.190 §431]

249.012 Preservation of certain records. Certificates of nomination, acceptances and withdrawals shall be preserved for two years after the election to which they relate. [1979 c.190 §99]

249.013 Candidacy for more than one office; effect of filing petition or declaration for more than one office without prior withdrawal; district and city offices. (1) No person shall be a candidate for more than one lucrative office to be filled at the same election.

(2) No person shall 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.

(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 shall be invalid and any other filing made by the same person shall be void.

(4)(a) No person shall be a candidate for more than one district office to be filled at the same election. This paragraph does not apply to a district that has fewer than 10,000 electors residing within the district.

(b) No person shall be a candidate for more than one position on the same district board to be filled at the same election.

(c) As used in this subsection, "district" means a district as defined in ORS 255.012.

(5) No person shall 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. [Formerly 249.750; 1991 c.971 §15; 1995 c.606 §6a; 1995 c.607 §14; 1999 c.318 §49; 2001 c.965 §3]

249.014 [1961 c.64 §2; 1971 c.749 §76; 1979 c.190 §95; renumbered 249.004]

249.015 [1979 c.190 §101; 1983 c.514 §6; repealed by 2005 c.797 §73]

MAJOR POLITICAL PARTY NOMINATIONS AND NOMINATIONS TO NONPARTISAN OFFICE

(Generally)

249.016 Nomination of candidates of major political party or for nonpartisan office. A candidate of a major political party for public office or a candidate for nonpartisan office shall be nominated only in the manner provided in ORS 249.016 to 249.205. [1957 c.608 §65 (2); 1979 c.190 §102; 1993 c.797 §7; 2001 c.721 §4]

249.020 Filing of candidates' nominating petition or declaration of candidacy. (1) An eligible elector may become a candidate for nonpartisan office, or for the nomination to an office by the major political party of which the elector is a member, by filing a nominating petition or a declaration of candidacy.

(2) At the time of filing, a declaration of candidacy shall be accompanied by the filing fee specified in ORS 249.056.

(3) At the time of filing, a nominating petition shall contain the signature sheets described under ORS 249.064. [Amended by 1957 c.608 §66; 1975 c.779 §17; 1979 c.190 §103]

249.023 Nomination of major political party candidates who attain age of 18 years after deadline for filing nominating petition or declaration of candidacy. Notwithstanding any provision of this chapter, and except as provided in section 8, Article IV, Oregon Constitution, and section 2, Article V, Oregon Constitution, an otherwise qualified person who will attain the age of 18 years after the deadline for filing a nominating petition or declaration of candidacy for nomination to any major political party office 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 the date of the primary election, is eligible to file a nominating petition for nomination to any major political party office, to be listed on the ballot and to be nominated for the office, including by write-in votes. [1993 c.583 §4; 1995 c.712 §24]

249.025 [1973 c.283 §2; repealed by 1979 c.190 §431]

249.030 [Repealed by 1957 c.608 §231]

249.031 Contents of petition or declaration. (1) Except as provided in subsection (2) of this section, a nominating petition or declaration of candidacy shall contain:

(a) The name by which the candidate is commonly known. A candidate may use a nickname in parentheses in connection with the candidate's full name.

(b) Address information as required by the Secretary of State by rule.

(c) The office and department or position number, if any, for which the candidate seeks nomination.

(d) If the candidate is seeking the nomination of a major political party, the name of the major political party of which the candidate will have been a member, subject to the exceptions stated in ORS 249.046, during at least 180 days before the deadline for filing a nominating petition or declaration of candidacy.

(e) A statement that the candidate is willing to accept the nomination or election or, regarding a candidate for precinct committeeperson, that the candidate accepts the office if elected.

(f) A statement that the candidate will qualify if elected.

(g) If the candidate is seeking the nomination of a major political party, a statement that the candidate, if not nominated, will not accept the nomination or endorsement of any political party other than the one of which the candidate is a member on the date the petition or declaration is filed.

(h) The signature of the candidate.

(i) A statement of the candidate's occupation, educational and occupational background and prior governmental experience.

(2) Subsection (1)(i) of this section does not apply to a candidate for election as a precinct committeeperson.

(3) A declaration of candidacy shall include a statement that the required fee is included with the declaration.

(4) If required by the national rules of the major political party, the declaration of a candidate for election as a precinct committeeperson shall include the name of the individual the candidate supports for President of the United States or "uncommitted" or "no preference." [1957 c.608 §68; 1961 c.336 §1; 1961 c.667 §5; 1969 c.245 §1; 1975 c.779 §18; 1979 c.190 §104; 1981 c.173 §20; 1983 c.7 §1; 1983 c.567 §5; 1989 c.1054 §14; 1991 c.87 §3; 1991 c.719 §5; 1995 c.607 §15; 2009 c.11 §21]

249.035 Filing officer. A nominating petition 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.

(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 of the county in which the administrative office of the district is located.

(5) Any other office shall be filed under ORS chapter 255. [1979 c.190 §105; 1981 c.173 §21; 1981 c.485 §3; 1983 c.350 §65; 1985 c.808 §12; 1993 c.493 §89]

249.037 Time for filing petition or declaration. (1) 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 primary election.

(2) Notwithstanding subsection (1) of this section, a declaration of candidacy for the office of precinct committeeperson may not be filed before February 1 immediately preceding the primary election. [Formerly 249.060; 1987 c.267 §16; 1995 c.607 §§16,16a; 1995 c.712 §25; 1999 c.999 §37; 2001 c.145 §1; 2005 c.797 §32]

249.040 [Repealed by 1957 c.608 §231]

249.041 [1957 c.608 §69; 1975 c.779 §19; 1979 c.190 §113; renumbered 249.068]

249.042 Declaration or petition as evidence of candidacy. When an elector files with the appropriate filing officer the statement and prospective petition under ORS 249.061, or a declaration of candidacy, it is conclusive evidence that the elector is a candidate for nomination or election by the

elector's political party or to the nonpartisan office stated in the petition or declaration. [1979 c.190 §107; 2007 c.155 §2]

249.046 Party membership required for nomination of party; effect of inactive registration; exceptions. If a candidate has not been a member of the major political party for at least 180 days before the deadline for filing a nominating petition or declaration of candidacy, the candidate shall not be entitled to receive the nomination of that major political party. If a candidate's registration becomes inactive, the inactive status shall not constitute a lapse of membership in the party if, immediately before the registration became inactive, the candidate was a member of the party and was not a member of any other political party within the 180 days preceding the deadline for filing a nominating petition or declaration of candidacy. The requirement that the candidate be qualified by length of membership does not apply to any candidate whose 18th birthday falls within the period of 180 days or to a write-in candidate. [1979 c.190 §108; 1991 c.719 §6; 1995 c.742 §11]

249.048 Unsuccessful candidate not eligible as candidate. A candidate for nomination of a major political party to a public office who fails to receive the nomination may not be the candidate of any other political party or a nonaffiliated candidate for the same office at the succeeding general election. The filing officer may not certify the name of the candidate. [Formerly 249.420; 2005 c.797 §62]

249.050 [Repealed by 1957 c.608 §231]

249.051 [1957 c.608 §70; 1979 c.190 §115; renumbered 249.076]

249.052 Verification of residence of candidate for Legislative Assembly. (1) If the county clerk determines that the property indicated by the address information provided on a nominating petition or declaration of candidacy for nomination or election to the office of state Senator or state Representative is located less than 100 radial yards from the boundary of the district in which the candidate has filed for nomination or election, the Secretary of State shall verify the location of the residence of the candidate to determine whether the candidate is an inhabitant of the district.

(2) The Legislative Administration Committee shall make available to the secretary any mapping software and hardware used by the Legislative Assembly for redistricting to aid the secretary in verifying a candidate's residence under this section. [2009 c.625 §2]

Note: Section 3, chapter 625, Oregon Laws 2009, provides:

Sec. 3. Section 2 of this 2009 Act [249.052] applies to candidates who file a nominating petition or declaration of candidacy for nomination or election to the office of state Senator or state Representative at an election held after the first Tuesday after the first Monday in November 2010. [2009 c.625 §3]

Note: 249.052 was added to and made a part of ORS chapter 249 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

249.055 [1957 c.608 §71; 1959 c.177 §1; 1977 c.508 §4; 1979 c.190 §97; renumbered 249.008]

(Declarations of Candidacy)

249.056 Filing fees. (1) At the time of filing a declaration of candidacy a candidate for the following offices shall pay to the officer with whom the declaration is filed the following fee:

(a) United States Senator, $150.

(b) Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, Representative in Congress, judge of the Supreme Court, Court of Appeals or Oregon Tax Court, or executive officer or auditor of a metropolitan service district, $100.

(c) County officer, district attorney, county judge who exercises judicial functions or circuit court judge, $50.

(d) State Senator or Representative or councilor of a metropolitan service district under ORS chapter 268, $25.

(2) No filing fee shall be required of persons filing a declaration of candidacy for precinct committeeperson or justice of the peace. [Formerly 249.271; 1981 c.173 §22; 1983 c.567 §6; 1993 c.493 §90; 2009 c.511 §5]

249.060 [Amended by 1957 c.608 §72; 1971 c.749 §77; 1973 c.827 §24c; 1979 c.190 §106; renumbered 249.037]

(Nominating Petitions)

249.061 One candidate per petition; prospective petition; statement regarding payment of petition circulators; certification of signature sheets. (1) A petition for nomination may not contain the name of more than one candidate.

(2) Before circulating a nominating petition, the candidate shall deliver to the officer with whom the petition will be filed:

(a) A statement signed by the candidate indicating that the candidacy is by prospective petition; and

(b) A copy of the prospective petition.

(3) The candidate shall include with the nominating petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the nominating petition. After the nominating petition is filed, the candidate shall notify the filing officer not later than the 10th day after the

candidate first has knowledge or should have had knowledge that:

(a) Any person is being paid for obtaining signatures, when the statement included with the nominating petition declared that no such person would be paid.

(b) No person is being paid for obtaining signatures, when the statement included with the nominating petition declared that one or more such persons would be paid.

(4) The circulator shall certify on each signature sheet that the circulator:

(a) Witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet; and

(b) Believes each individual is an elector qualified to sign the petition. [1979 c.190 §111; 1983 c.756 §3; 1993 c.493 §7; 1999 c.318 §24; 2007 c.155 §3; 2007 c.848 §23]

249.064 Information required on petition; certification of petition. (1) A nominating petition of a candidate seeking the nomination of a major political party shall contain a statement that each elector whose signature appears on the petition is a member of the same major political party as is the candidate.

(2) A nominating petition of any candidate shall contain the number of signatures of electors required by ORS 249.068 or 249.072 and the residence or mailing address and name or number of the precinct, if known, of each elector whose signature appears.

(3) Pursuant to ORS 249.008, the county clerks shall certify the signatures contained in the nominating petition for genuineness. [1979 c.190 §112; 2007 c.155 §4; 2007 c.881 §3]

249.068 Requirements regarding number and distribution of persons signing partisan petitions. (1) Except as otherwise provided for a candidate for nonpartisan office in ORS 249.072:

(a) A nominating petition for an office to be voted for in the state at large or for a candidate for Representative in Congress shall contain signatures of members of the same major political party as the candidate. Except as provided in this subsection, there shall be at least 1,000 signatures or the number of signatures at least equal to two percent of the vote cast in the state or congressional district, as the case may be, for the candidates of that major political party for presidential electors at the last presidential election, whichever is less;

(b) For an election next following any change in the boundaries of a congressional district, there shall be at least 1,000 signatures or the number of signatures at least equal to two percent of the average number of votes cast in all congressional districts in this state, as the case may be, for the candidates of that major political party for presidential electors at the last presidential election, whichever is less;

(c) In the case of a candidate nominated by a major political party that did not nominate presidential electors at the last presidential election, there shall be at least 1,000 signatures; and

(d) If the office is one to be voted for in the state at large, the signatures shall include those of electors registered in at least five percent of the precincts in each of at least seven counties. If the office is one to be voted for in a congressional district the signatures shall include those of electors registered in at least five percent of the precincts in each of at least one-fourth of the counties in the congressional district.

(2) Except as otherwise provided in this section or for a candidate for nonpartisan office in ORS 249.072:

(a) A nominating petition for an office not provided for in subsection (1) of this section shall contain the signatures of electors who are members of the same major political party as the candidate. There shall be at least 500 signatures or the number of signatures at least equal to two percent of the vote in the electoral district for the candidates of that major political party for presidential electors at the last presidential election, whichever is less;

(b) In the case of major political party candidates for the office of state Senator or state Representative, for an election next following any change in the boundaries of the districts of state Senators or state Representatives under section 6, Article IV of the Oregon Constitution, there shall be at least 500 signatures or the number of signatures at least equal to two percent of the average number of votes cast in all state senatorial or state representative districts in this state, as the case may be, for the candidates of that major political party for presidential electors at the last presidential election, whichever is less;

(c) In the case of a candidate nominated by a major political party that did not nominate presidential electors at the last presidential election, there shall be at least 500 signatures;

(d) If the office under this subsection is to be voted for in more than one county, the signatures shall include those of electors registered in at least six percent of the precincts in the electoral district that are located in each of two or more of the counties, or portions of the counties, within which the electoral district is located. If six percent of

the precincts of the electoral district in one of the counties or portion thereof does not constitute a whole precinct, the nominating petition shall contain signatures from at least one precinct in that county; and

(e) If the office is to be voted for in only one county or in a city, the signatures shall include those of electors registered in at least 10 percent of the precincts in the electoral district. [Formerly 249.041; 1983 c.567 §7; 1985 c.808 §13; 1993 c.493 §13; 1995 c.606 §5; 1999 c.410 §22; 2001 c.721 §5; 2005 c.797 §34]

249.070 [1957 c.608 §73; 1979 c.190 §231; renumbered 254.076]

249.072 Requirements regarding number and distribution of persons signing nonpartisan petitions. (1) If the nonpartisan office is to be voted for in the state at large, the nominating petition shall contain at least 1,000 signatures of electors, or a number of signatures of electors equal to at least one percent of the vote cast in the state for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term, whichever is less. The signatures shall include those of electors registered in each of at least five percent of the precincts in each of at least seven counties.

(2) The nominating petition for a nonpartisan office not provided for in subsection (1) of this section shall contain at least 500 signatures of electors in the electoral district, or a number of signatures of electors equal to at least one percent of the vote cast in the electoral district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term, whichever is less. In addition:

(a) If an office under this subsection is to be voted for in more than one county, the signatures shall include those of electors registered in each of at least six percent of the precincts in the electoral district that are located in each of two or more of the counties, or portions of the counties, within which the electoral district is located. If six percent of the precincts of the electoral district in one of the counties or portion thereof does not constitute a whole precinct, the nominating petition shall contain signatures from at least one precinct in that county.

(b) If the office is to be voted for in only one county or in a city, the signatures shall include those of electors registered in each of at least 10 percent of the precincts in the electoral district. [Formerly 252.810; 1987 c.707 §7; 1989 c.174 §2; 1999 c.410 §23]

249.076 Qualifications of signers of petitions. (1) A person who is not a member of the same major political party as the candidate for nomination by the major political party may not sign the nominating petition of the candidate.

(2) Any elector may sign:

(a) A nominating petition or certificate of nomination of any candidate for nonpartisan office;

(b) A nominating petition or certificate of nomination of any nonaffiliated candidate; and

(c) Nominating petitions or certificates of nomination for more than one candidate for the same office. [Formerly 249.051; 1981 c.173 §23; 2005 c.797 §63]

(Nomination of Presidential Candidate by Major Political Party)

249.078 Printing name of candidate for presidential nomination of major party on ballot; discretion of Secretary of State; nominating petition; petition requirements. (1) The name of a candidate for a major political party nomination for President of the United States shall be printed on the ballot only:

(a) By direction of the Secretary of State who in the secretary's sole discretion has determined that the candidate's candidacy is generally advocated or is recognized in national news media; or

(b) By nominating petition described in this section and filed with the Secretary of State.

(2) A petition nominating a candidate under this section shall contain from each congressional district the signatures of at least 1,000 electors who are registered in the district and who are members of the major political party of the candidate. The electors in each congressional district shall include electors registered in at least five percent of the precincts in each of at least one-fourth of the counties in the congressional district. The petition shall contain the printed name, residence or mailing address and name or number of the precinct, if known, of each elector whose signature appears on the petition. The signatures shall be certified for genuineness by the county clerks under ORS 249.008.

(3) Before circulating the nominating petition, the chief sponsor shall file with the Secretary of State a signed copy of the prospective petition. The chief sponsor shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the petition. After the prospective petition is filed, the chief sponsor shall notify the Secretary of State not later than the 10th day after the chief sponsor first has

knowledge or should have had knowledge that:

(a) Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no such person would be paid.

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid. [1979 c.190 §116; 1981 c.173 §24; 1983 c.756 §4; 1987 c.267 §17; 1995 c.712 §26; 1999 c.410 §24; 1999 c.999 §38; 2007 c.154 §8; 2007 c.155 §5]

249.080 [Repealed by 1957 c.608 §231]

249.085 [1979 c.190 §117; 1979 c.451 §4; 1979 c.587 §2; 1985 c.808 §14; repealed by 1989 c.218 §4]

(Nomination to Nonpartisan Office)

249.088 Determining number of nominees; nomination or election of candidate at nominating election. (1) Unless otherwise provided by a home rule charter, at the nominating election held on the date of the primary election, two candidates shall be nominated for the nonpartisan office. However, when a candidate, other than a candidate for the office of sheriff, a candidate for the office of county clerk, a candidate for the office of county treasurer or a candidate to fill a vacancy, receives a majority of the votes cast for the office at the nominating election, that candidate is elected.

(2) When a candidate for the office of sheriff, the office of county clerk, the office of county treasurer or a candidate to fill a vacancy receives a majority of votes cast for the office at the nominating election, that candidate alone is nominated. [1979 c.190 §118; 1979 c.451 §5; 1979 c.587 §3; 1983 c.350 §66; 1989 c.218 §1; 1991 c.719 §7; 1993 c.493 §12; 1995 c.92 §2; 1995 c.607 §77; 1995 c.712 §27]

249.090 [Amended by 1957 c.608 §74; 1975 c.766 §5; 1977 c.829 §6; repealed by 1979 c.190 §431]

249.091 Nomination of certain nonpartisan candidates without election. Unless otherwise provided by a home rule charter, if a nominating petition or declaration of candidacy is filed by no more than two candidates for the office of sheriff, the office of county treasurer or the office of county clerk or by no more than two candidates to fill a vacancy in a nonpartisan office:

(1) The candidate or candidates shall be the nominee or nominees for the office; and

(2) The name or names of the candidate or candidates may not be printed on the ballot at the nominating election. [1995 c.92 §4; 1995 c.607 §77a; 2007 c.154 §9]

249.100 [Amended by 1975 c.675 §11; repealed by 1979 c.190 §431]

249.110 [Amended by 1957 c.608 §75; 1961 c.121 §1; 1975 c.675 §12; repealed by 1979 c.190 §431]

249.120 [Repealed by 1957 c.608 §231]

249.130 [1967 c.126 §3; 1979 c.190 §96; renumbered 249.006]

249.150 [Formerly 249.280; 1973 c.827 §24d; 1975 c.675 §13; repealed by 1979 c.190 §431]

249.160 [1967 c.126 §§2,4; 1979 c.190 §119; 1987 c.267 §19; repealed by 1995 c.607 §91]

(Withdrawal Before Nomination)

249.170 Withdrawal of candidacy; refund of filing fee. (1) A candidate who has filed a declaration of candidacy or a nominating petition may withdraw not later than the 67th day before the date of the primary election by filing a statement of withdrawal with the filing officer with whom the declaration or petition was filed. The statement shall be made under oath and state the reasons for withdrawal.

(2) The official with whom a declaration of candidacy is filed, upon request received not later than the 67th day before the date of the primary election, shall refund the filing fee of a candidate who dies, withdraws or becomes ineligible for the nomination. [1979 c.190 §120; 1987 c.267 §20; 1995 c.712 §29]

(Withdrawal from Nomination)

249.180 Withdrawal of candidacy by nominee. Any person who has been nominated at a primary election, or any person who has been nominated to fill a vacancy as provided in ORS 188.120 or 249.190 and 249.200, may withdraw from nomination by filing a written statement declining the nomination and stating the reason for withdrawal. The statement shall be signed by the candidate and filed not later than the 67th day before the general election with the officer with whom the candidate's declaration of candidacy or nominating petition was filed. [Formerly 249.680; 1985 c.471 §6; 1987 c.267 §21; 1995 c.712 §30; 1999 c.318 §3]

(Filling Vacancy in Nomination or Office)

249.190 Filling vacancy in nomination of major party; rules. (1) Except as provided in ORS 254.650, a vacancy in the nomination of a major political party candidate may be filled before the date of the general election by that political party in a manner prescribed by party rule.

(2) Immediately after selecting a new nominee, the party, by the most expeditious means practicable, shall notify the filing officer with whom a declaration of candidacy for the office is filed of the name of the nominee.

(3) If the filing officer with whom a declaration of candidacy for the office is filed determines that the candidate who has been nominated by a major political party is ineligible to be elected to the office, the officer shall declare the nomination vacant and the

political party shall select another candidate to fill the vacancy in the nomination as provided under this section.

(4) The Secretary of State by rule may adopt a schedule specifying the period following a vacancy within which a major political party must notify the filing officer of the name of the new nominee. [1979 c.190 §122; 1985 c.808 §15; 2003 c.542 §23; 2009 c.511 §6]

249.200 Nomination by major party to fill vacancy in partisan office; exceptions; rules. (1) A major political party may nominate a candidate to fill a vacancy in a partisan elective office in the following manner:

(a) If the vacancy occurs on or before the 70th day before a primary election, by selecting a nominee at the next primary election; or

(b) If the vacancy occurs after the 70th day before the primary election but before the 61st day before the general election, by selecting a nominee as provided by party rule.

(2) The procedure under subsection (1) of this section shall not apply in any case in which one of the following specific procedures for filling a vacancy applies:

(a) The procedure specified in ORS 188.120 for the offices of Representative in Congress and United States Senator.

(b) The appointment procedure specified in ORS 171.051 to 171.064 for state legislative office.

(c) The procedure specified in ORS chapter 236 for county office.

(d) The procedure specified in ORS chapter 221 for city office.

(3) A party that selects a nominee under subsection (1)(b) of this section, immediately after the nomination, shall notify the filing officer with whom a declaration of candidacy for the office is filed of the name of the nominee by the most expeditious means practicable.

(4) The Secretary of State by rule may adopt a schedule specifying the period following a vacancy within which a major political party that selects a nominee under subsection (1)(b) of this section must notify the filing officer of the name of the nominee under subsection (3) of this section. [1979 c.190 §123; 1985 c.586 §3; 1985 c.808 §16; 1987 c.267 §22; 1987 c.380 §4; 1987 c.549 §5; 1995 c.607 §17; 1995 c.712 §31]

249.205 Filling vacancy in nomination to nonpartisan office; nomination procedure to fill vacancy in nonpartisan office; rules. (1) If the only candidate nominated to a nonpartisan office dies, withdraws or becomes ineligible, or if a vacancy occurs in the nonpartisan office after the 70th day before the nominating election and on or before the 62nd day before the general election, a candidate for the office may file a declaration of candidacy in the manner provided for nonpartisan office or shall be nominated by nominating petition in the manner provided for nonpartisan office.

(2) The Secretary of State by rule may adopt a schedule for filing nominating petitions or declarations of candidacy under this section. The schedule may specify the period within which nominating petitions or declarations of candidacy must be filed after a vacancy occurs. [Formerly 252.060; 1981 c.173 §25; 1983 c.7 §2; 1983 c.567 §8; 1985 c.808 §17; 1995 c.607 §18; 1999 c.318 §4]

249.210 [Amended by 1957 c.608 §76; 1975 c.675 §14; 1975 c.779 §20a; repealed by 1979 c.190 §431]

249.215 Filling vacancy in state office at general election; remaining term of office. (1) If a vacancy occurs in a state office before the 61st day before the first general election to be held during that term of office, the remaining two years of the term of the state office shall be filled by the electors at that general election.

(2) The remaining two years of the term of the state office shall commence on the second Monday in January following the general election. Any appointment made to fill the vacancy shall expire when a successor to the office is elected and qualified.

(3) Candidates for the remaining two years of the term of the state office under this section shall be nominated as provided in this chapter except as follows:

(a) A major political party or a minor political party, by party rule, or an assembly of electors or individual electors, may select a nominee; and

(b) The Secretary of State shall accept certificates of nomination and notifications of nominees filed with the secretary pursuant to a schedule for filing set by the secretary, but in any case not later than the 62nd day before the first general election.

(4) As used in this section, "state office" means the office of Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries and Superintendent of Public Instruction. [2009 c.511 §22]

Note: Section 22a, chapter 511, Oregon Laws 2009, provides:

Sec. 22a. Notwithstanding section 22 of this 2009 Act [249.215] and ORS 651.030, the term of office of the Commissioner of the Bureau of Labor and Industries elected at the general election held on the first Tuesday after the first Monday in November 2012 shall be two years. [2009 c.511 §22a]

249.220 [Repealed by 1957 c.608 §231]

249.221 [1957 c.608 §78; 1961 c.336 §2; 1961 c.667 §6; 1969 c.245 §2; 1975 c.779 §21; repealed by 1979 c.190 §431]

249.230 [Repealed by 1957 c.608 §231]

249.240 [Repealed by 1957 c.608 §231]

249.250 [Repealed by 1957 c.608 §231]

249.260 [Amended by 1957 c.608 §79; 1971 c.749 §78; repealed by 1979 c.190 §431]

249.270 [Repealed by 1957 c.608 §231]

249.271 [1957 c.608 §80; 1973 c.152 §1; 1975 c.779 §22; 1977 c.665 §9; 1979 c.190 §110; renumbered 249.056]

249.280 [Amended by 1957 c.608 §81; 1961 c.76 §1; renumbered 249.150]

249.310 [Repealed by 1979 c.190 §431]

249.320 [Amended by 1957 c.608 §87; repealed by 1979 c.190 §431]

249.330 [Amended by 1955 c.726 §7; repealed by 1957 c.608 §231]

249.340 [Amended by 1965 c.417 §1; repealed by 1979 c.190 §431]

249.350 [Amended by 1957 c.608 §88; 1961 c.121 §2; repealed by 1979 c.190 §431]

249.352 [Formerly 249.530; 1961 c.121 §3; repealed by 1979 c.190 §431]

249.354 [Formerly 249.550; 1963 c.174 §1; subsection (7) enacted as 1967 c.26 §2; 1969 c.245 §3; 1973 c.154 §2; 1975 c.779 §23; 1977 c.508 §5; 1979 c.190 §235; 1979 c.409 §1; renumbered 254.115]

249.356 [1957 c.608 §103; 1961 c.68 §1; 1975 c.675 §15; repealed by 1979 c.190 §431]

249.358 [Formerly 249.540; 1961 c.74 §1; 1967 c.340 §1; repealed by 1979 c.190 §431]

249.360 [Repealed by 1957 c.608 §231]

249.362 [Formerly 249.570; 1979 c.190 §239; renumbered 254.155]

249.364 [Formerly 249.580; 1979 c.190 §388; renumbered 260.675]

249.366 [Formerly 249.510; 1979 c.190 §259; renumbered 254.365]

249.367 [1969 c.101 §3; 1977 c.829 §7; repealed by 1979 c.190 §431]

249.368 [Formerly 249.600; 1959 c.390 §1; 1961 c.170 §1; 1969 c.101 §1; repealed by 1979 c.190 §431]

249.369 [1957 c.608 §107; 1961 c.114 §10; 1977 c.352 §3; repealed by 1979 c.190 §431]

249.370 [Amended by 1957 c.608 §89; repealed by 1979 c.190 §431]

249.375 [1963 c.345 §§2,3; repealed by 1979 c.190 §431]

249.380 [Amended by 1957 c.608 §90; 1961 c.139 §1; repealed by 1979 c.190 §431]

249.385 [1963 c.337 §2; repealed by 1979 c.190 §431]

249.390 [Repealed by 1957 c.608 §231]

249.400 [Amended by 1955 c.498 §12; repealed by 1957 c.608 §231]

249.410 [Amended by 1957 c.608 §91; repealed by 1979 c.190 §431]

249.420 [Amended by 1957 c.608 §92; 1979 c.190 §109; renumbered 249.048]

249.430 [Amended by 1957 c.608 §93; repealed by 1979 c.190 §431]

249.440 [Amended by 1957 c.608 §94; repealed by 1979 c.190 §431]

249.450 [Amended by 1957 c.608 §95; repealed by 1979 c.190 §431]

249.460 [Amended by 1957 c.608 §96; 1969 c.81 §1; 1975 c.675 §16; repealed by 1979 c.190 §431]

249.470 [Amended by 1957 c.608 §97; 1975 c.675 §17; repealed by 1979 c.190 §431]

249.480 [Amended by 1957 c.608 §98; 1975 c.675 §18; repealed by 1979 c.190 §431]

249.490 [Repealed by 1957 c.608 §231]

249.491 [1957 c.608 §99; 1979 c.190 §278; renumbered 254.565]

249.505 [1971 c.29 §3; repealed by 1973 c.125 §1]

249.510 [Amended by 1957 c.608 §100; renumbered 249.366]

249.515 [1971 c.29 §4; repealed by 1973 c.125 §1]

249.520 [Repealed by 1957 c.608 §231]

249.525 [1971 c.29 §5; repealed by 1979 c.190 §431]

249.530 [Amended by 1957 c.608 §101; renumbered 249.352]

249.535 [1971 c.29 §6; repealed by 1973 c.125 §1]

249.540 [Amended by 1957 c.608 §102; renumbered 249.358]

249.545 [1971 c.29 §2; repealed by 1979 c.190 §431]

249.550 [Amended by 1957 c.608 §104; renumbered 249.354]

249.560 [Repealed by 1957 c.608 §231]

249.570 [Amended by 1957 c.608 §105; renumbered 249.362]

249.580 [Amended by 1957 c.608 §106; renumbered 249.364]

249.590 [Repealed by 1957 c.608 §231]

249.600 [Amended by 1957 c.608 §108; renumbered 249.368]

249.610 [Repealed by 1957 c.608 §231]

249.640 [1975 c.779 §24; 1977 c.829 §8; repealed by 1979 c.190 §431]

249.650 [1957 c.608 §82; repealed by 1975 c.799 §28]

249.652 [1973 c.527 §5; repealed by 1975 c.799 §28]

249.654 [1973 c.527 §§6,7,8; 1975 c.779 §25; 1979 c.190 §394; renumbered 188.120]

249.655 [1957 c.608 §83; repealed by 1973 c.527 §10]

249.656 [1973 c.527 §9; repealed by 1975 c.799 §28]

249.660 [1957 c.608 §84; 1973 c.773 §6; repealed by 1975 c.799 §28]

249.665 [1957 c.608 §85; 1973 c.773 §7; repealed by 1975 c.799 §28]

249.670 [1957 c.608 §86; repealed by 1975 c.799 §28]

249.680 [1961 c.73 §2; 1975 c.779 §26; 1979 c.190 §121; renumbered 249.180]

NOMINATION OF CANDIDATES TO PARTISAN OFFICE BY OTHER THAN MAJOR POLITICAL PARTY

(General Provisions)

249.705 Nomination by other than major party. A minor political party, assembly of electors or individual electors may nominate one candidate for each partisan public office to be filled at the general election by preparing and filing a certificate of nomination as provided in ORS 249.712 to 249.850. [1979 c.190 §125]

249.710 [Amended by 1957 c.608 §109; 1963 c.176 §1; 1977 c.829 §9; repealed by 1979 c.190 §431]

249.712 Acceptance of nomination. (1) To complete a nomination, the nominee must accept the nomination.

(2) The acceptance of the nominee may be indorsed upon the certificate of nomination and signed by the nominee, or it may

be indorsed by a letter or telegram from the nominee attached to the certificate and filed with it. If the acceptance does not accompany the certificate of nomination, the nominee, at any time after the certificate is filed and before the time for filing nominations for the office has expired, may file an acceptance in the same manner and in the same office where the certificate is filed. The officer with whom the acceptance is filed shall indorse it and attach it to the certificate of nomination to which it refers. [Formerly 249.760]

249.715 [1977 c.324 §2; 1979 c.190 §130; renumbered 249.735]

249.720 Information to be contained in certificate of nomination. (1) A certificate of nomination shall contain:

(a) The name by which the candidate is commonly known. A candidate may use a nickname in parentheses in connection with the full name.

(b) Address information as required by the Secretary of State by rule.

(c) The office, and department or position number if any, for which the candidate is nominated.

(d) The name of the minor political party, if any, that nominated the candidate.

(e) If the candidate is nominated for a partisan office by an assembly of electors or individual electors, the word "nonaffiliated" and a statement that the candidate has not been a member of a major or minor political party during at least 180 days before the deadline for filing the certificate of nomination.

(f) A statement that the candidate will qualify if elected.

(g) The signature of the candidate.

(h) A statement of the candidate's occupation, educational and occupational background and prior governmental experience.

(2) For certificates of nomination of candidates for electors of President and Vice President of the United States, the names of the candidates for President and Vice President the candidates represent may be added to the name of the minor political party or the word "nonaffiliated," as the case may be. The names of all the candidates of a minor political party, or nonaffiliated candidates, for electors of President and Vice President may be upon the same certificate of nomination.

(3) A certificate of nomination made by an assembly of electors shall be signed by the presiding officer and secretary of the nominating convention of the assembly. A certificate of nomination made by a minor political party shall be signed by an officer of the party. An affidavit shall be made on the certificate by the presiding officer and secretary of the nominating convention of the assembly or by the officer of the minor political party and signed and acknowledged by them before a notary public. The affidavit shall be that the statements in the certificate of nomination and related documents are true. With respect to an assembly of electors, the affidavit shall state that the assembly satisfied the requirements of ORS 249.735. [Amended by 1957 c.608 §110; 1961 c.336 §3; 1973 c.841 §2; 1975 c.678 §24; 1979 c.190 §127; 1981 c.142 §1; 1991 c.719 §8; 1993 c.797 §13; 1995 c.607 §19; 2005 c.797 §35]

249.722 Time for filing certificate; filing officers; rules. (1) Except as provided in subsection (3) of this section, a certificate of nomination of a candidate for public office shall be filed not sooner than the 15th day after the date of the primary election and not later than the 70th day before the date of the general election.

(2) A certificate of nomination of a candidate for:

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

(b) County office shall be filed with the county clerk.

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

(3) For a special election, including an election to fill a vacancy that occurs after the 70th day before the general election, the Secretary of State by rule may adopt a schedule specifying the period within which a certificate of nomination must be filed. If the Secretary of State does not adopt a rule under this subsection, a certificate of nomination must be filed before the 61st day preceding the election. [1979 c.190 §128; 1987 c.267 §23; 1993 c.493 §§8,9; 1995 c.607 §20; 1995 c.712 §32; 1999 c.999 §39; 2001 c.145 §2; 2005 c.593 §3; 2005 c.797 §33]

249.730 [Amended by 1957 c.608 §111; 1963 c.176 §2; 1977 c.324 §3; repealed by 1979 c.190 §431]

249.732 [1979 c.190 §129; 1983 c.756 §6; 1989 c.923 §28; repealed by 1993 c.493 §113 and 1993 c.797 §33]

(Nomination by Assembly of Electors)

249.735 Qualification as assembly of electors; records; notice; nomination by assembly. (1) An assembly of electors is an organized body:

(a) Of not fewer than 1,000 electors of the state for a statewide nomination.

(b) Of not fewer than 500 electors of the congressional district for which the nomination for Representative in Congress is made.

(c) Of not fewer than 250 electors of the county or any other district for which the nomination is made.

(2) An assembly of electors may nominate candidates at a nominating convention. The convention shall be held in one day and last not longer than 12 hours. The signature, printed name and residence or mailing address of each member of the assembly shall be recorded at the convention and entered of record in the minutes by the secretary of the assembly. Not less than the minimum number of electors required to constitute an assembly of electors must have recorded their signatures in the minutes of the assembly and must be present when the assembly nominates a candidate. The candidate receiving the highest number of votes of the assembly for the office shall be the nominee of the assembly.

(3) Not later than the 10th day before the meeting of an assembly of electors, notice shall be published at least once in not less than three newspapers of general circulation within the electoral district for which the nomination will be made. The notice shall contain the time and place the assembly will meet, the office or offices for which nominations will be made, and the names and addresses of not fewer than 25 electors qualified to vote in the assembly who desire that it be held.

(4) Proof of publication of notice in subsection (3) of this section shall be made by affidavit of the owner, editor, publisher, manager, advertising manager, principal clerk of any of them, or the printer or printer's foreman of the newspaper in which the notice is published. The affidavit shall show publication and shall be filed with the filing officer with the certificate of nomination.

(5) Not later than the 10th day before the meeting of an assembly of electors, a copy of the notice under subsection (3) of this section shall be delivered to the filing officer who will supervise the conduct of the nominating convention.

(6) The presiding officer of an assembly of electors shall deliver the signatures of assembly members entered in the minutes to the appropriate county clerks of the counties in which the assembly members live. The signatures shall be certified by the appropriate county clerk under ORS 249.008. A copy of the minutes, certified by the secretary of the assembly, and the certificate of the county clerk shall be filed with the filing officer with the certificate of nomination.

(7) If the assembly of electors designates a committee to whom the assembly delegated the authority to fill vacancies as provided in ORS 249.842, a notice containing the names of the members of the committee shall be delivered to the filing officer with the certificate of nomination. [Formerly 249.715; 1983 c.514 §7; 1983 c.567 §9; 1985 c.808 §18; 1993 c.797 §14; 2005 c.797 §60]

249.737 Filing officer for nomination by assembly of electors. (1) The filing officer for the office for which nominations will be considered by an assembly of electors shall supervise the conduct of the nominating convention. The filing officer shall insure that when the assembly of electors makes a nomination, the number of electors required to be present at the nominating convention for the purpose of constituting an assembly is at least equal to each of the following:

(a) The number of signatures of assembly members in the minutes of the assembly.

(b) The number of electors present at the nominating convention.

(2) If an assembly of electors will consider nominations for an office for which the Secretary of State is the filing officer and an office for which the county clerk or chief city elections officer is the filing officer, the Secretary of State shall be the supervising officer under subsection (1) of this section.

(3) If an assembly of electors will consider nominations for an office for which the county clerk is the filing officer and an office for which the chief city elections officer is the filing officer, the county clerk shall be the supervising officer under subsection (1) of this section. [1983 c.567 §11]

(Nomination by Individual Electors)

249.740 Certificates of nomination made by individual electors; statement regarding payment of petition circulators; certification of signature sheets. (1) A certificate of nomination made by individual electors shall contain a number of signatures of electors in the electoral district equal to not less than one percent of the total votes cast in the electoral district for which the nomination is intended to be made, for all candidates for presidential electors at the last general election.

(2) Each elector signing a certificate of nomination made by individual electors shall include the residence or mailing address of the elector. Except for a certificate of nomination of candidates for electors of President and Vice President of the United States, a certificate of nomination made by individual electors shall contain the name of only one candidate.

(3) Before beginning to circulate the certificate of nomination, the chief sponsor of the certificate shall file a signed copy of the prospective certificate with the filing officer referred to in ORS 249.722. The chief sponsor of the certificate shall include with the prospective certificate a statement declaring whether one or more persons will be paid

money or other valuable consideration for obtaining signatures of electors on the certificate. After the prospective certificate is filed, the chief sponsor shall notify the filing officer not later than the 10th day after the chief sponsor first has knowledge or should have had knowledge that:

(a) Any person is being paid for obtaining signatures, when the statement included with the prospective certificate declared that no such person would be paid.

(b) No person is being paid for obtaining signatures, when the statement included with the prospective certificate declared that one or more such persons would be paid.

(4) The circulator shall certify on each signature sheet that the circulator:

(a) Witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet; and

(b) Believes each individual is an elector registered in the electoral district.

(5) The signatures contained in each certificate of nomination made by individual electors shall be certified for genuineness by the county clerk under ORS 249.008.

(6) As used in this section, "prospective certificate" means the information, except signatures and other identification of certificate signers, required to be contained in a completed certificate of nomination. [Amended by 1955 c.169 §5; 1957 c.608 §112; 1971 c.152 §1; 1977 c.829 §10; 1979 c.190 §131; 1983 c.756 §7; 1993 c.493 §11; 1993 c.797 §15; 1999 c.318 §25; 2005 c.797 §61; 2007 c.848 §24]

249.750 [Amended by 1957 c.608 §113; 1979 c.190 §100; renumbered 249.013]

249.760 [Amended by 1979 c.190 §126; renumbered 249.712]

249.770 [Amended by 1957 c.608 §114; 1971 c.749 §79; 1977 c.324 §4; repealed by 1979 c.190 §431]

249.780 [Amended by 1957 c.608 §115; 1961 c.49 §2; 1971 c.749 §80; 1977 c.324 §5; repealed by 1979 c.190 §431]

249.790 [Amended by 1977 c.829 §11; repealed by 1979 c.190 §431]

(Register of Nominations)

249.810 Entries in register of nominations upon filing certificates. (1) Immediately after each certificate of nomination is filed, the filing officer shall enter in the register of nominations:

(a) The date the certificate was filed.

(b) The name of each candidate.

(c) The office for which the candidate is nominated.

(d) When applicable, the name of the minor political party or identification of the assembly of electors making the nomination, and the names of the chairperson and secretary certifying it.

(e) If the certificate of nomination is made by individual electors, the total number of certified signatures contained in the certificate.

(2) As soon as an acceptance or withdrawal of a candidate is filed with a filing officer, it shall be entered in the register of nominations. [Amended by 1957 c.608 §116; 1979 c.190 §132]

249.820 [Repealed by 1979 c.190 §431]

(Withdrawals; Filling Vacancies)

249.830 Procedure for withdrawing nomination. (1) A person who has been nominated and has accepted the nomination under ORS 249.712 may withdraw from the nomination by filing with the officer with whom the certificate of nomination was filed a written statement declining the nomination and stating the reason for withdrawal.

(2) The statement must be:

(a) Signed by the person withdrawing from the nomination; and

(b) Filed not later than the 67th day before the general election.

(3) The statement may be sent to the Secretary of State through a county clerk, as provided by ORS 249.850. [Amended by 1957 c.608 §117; 1967 c.86 §1; 1979 c.190 §133; 2007 c.155 §6]

249.840 [Amended by 1957 c.608 §118; repealed by 1979 c.190 §431]

249.842 Filling vacancy in nomination; rules. (1) Subject to subsection (5) of this section, before the date of the general election, a vacancy in a nomination made by a minor political party may be filled as provided by party rule.

(2) Subject to subsection (5) of this section, before the date of the general election, a vacancy in a nomination made by an assembly of electors may be filled by:

(a) Reconvening the assembly that made the original nomination to select a new nominee; or

(b) A committee to whom the assembly at its convention delegated the authority to fill vacancies.

(3) An assembly of electors may reconvene under subsection (2) of this section only at the call of the chairperson of the original assembly. An assembly will be considered the assembly that made the original nomination if the chairperson and secretary are the same as those of the original assembly.

(4) Subject to subsection (5) of this section, before the date of the general election, a vacancy in a nomination made by individual electors may be filled by filing a new certificate of nomination. The certificate of nomination to fill the vacancy shall conform

with the requirements of ORS 249.720 and 249.740.

(5) The Secretary of State by rule may adopt a schedule specifying the period after a vacancy in a nomination occurs within which a certificate of nomination filling the vacancy must be filed. [1979 c.190 §134; 1985 c.808 §19; 1993 c.797 §16]

249.850 Filing of certificate to fill vacancy in nomination; notifying proper officials to make changes in general election ballots. (1) The certificate of nomination to fill the vacancy under ORS 249.842, may be filed directly with the officer with whom the certificate of nomination of the original candidate was filed, or it may be presented in duplicate to any county clerk who shall file one of the certificates in the clerk's office, immediately notify the appropriate filing officer of the nomination and send the duplicate certificate to the officer by the most expeditious method practicable.

(2) Upon receipt of notification that a vacancy has been filled, the filing officer shall certify the name of the person selected to fill the vacancy to be included on the ballot. If the certification of candidates has already been sent to the county clerk, the Secretary of State or city filing officer immediately shall give written certification of the new candidate to each county clerk responsible for preparing ballots on which the office will appear. The certification shall state the name and residence of the candidate nominated to fill the vacancy, the office for which the nomination was made, the name of the minor political party the candidate represents or the name of the chairperson of the assembly nominating the candidate, and the name of the person for whom the candidate is substituted. Upon receipt of the certification, the county clerk shall place the new candidate's name on the ballot. [Amended by 1957 c.608 §119; 1975 c.675 §19; 1979 c.190 §135]

249.860 [1963 c.176 §4; repealed by 1979 c.190 §431]

RECALL OF PUBLIC OFFICER

249.865 Filing prospective petition; contents of petition; statement regarding payment of petition circulators; certification of signature sheets; effect of violation. (1) Pursuant to section 18, Article II of the Oregon Constitution, an elector of the electoral district from which the public officer is elected may file a petition demanding the recall of the public officer. Before the petition is circulated for signatures, the chief petitioner of the petition shall file with the officer authorized to order the recall election a copy of the prospective petition signed by the chief petitioner.

(2) The chief petitioner shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the recall petition. After the prospective petition is filed, the chief petitioner shall notify the filing officer not later than the 10th day after the chief petitioner first has knowledge or should have had knowledge that:

(a) Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no such person would be paid.

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.

(3) Each sheet of the recall petition must contain:

(a) The words "Petition for recall of," (name and title of officer) and the date of the filing under subsection (1) of this section; and

(b) The name and address of the treasurer or the chief petitioner listed on the statement of organization filed under subsection (1) of this section.

(4) Not more than 20 signatures on each sheet of the recall petition shall be counted. The circulator shall certify on each signature sheet that the circulator:

(a) Witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet; and

(b) Believes each individual is an elector.

(5) Any intentional or willful violation of subsection (1) or (2) of this section by a chief petitioner of the recall petition or by the treasurer listed on the statement of organization filed under subsection (1) of this section invalidates the prospective petition before it is circulated for signatures. [1979 c.190 §136; 1981 c.142 §2; 1981 c.173 §26; 1983 c.756 §8; 1985 c.471 §7; 1987 c.210 §1; 1999 c.318 §26; 2005 c.797 §22; 2007 c.155 §7; 2007 c.848 §25; 2009 c.818 §20]

249.870 Number of signers on recall petition. The requisite number of signers on a recall petition is 15 percent of the total votes cast in the electoral district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term next preceding the filing of the petition for verification of signatures. [Formerly 254.450; 1981 c.173 §27; 1985 c.808 §22; 1995 c.607 §21]

249.875 Time for completing filing; verification of signatures. (1) A recall petition shall be void unless completed and filed not later than the 100th day after filing the prospective petition described in ORS 249.865. Not later than the 90th day after

filing the prospective petition the petition shall be submitted to the filing officer who shall verify the signatures not later than the 10th day after the submission. The filed petition shall contain only original signatures. A recall petition shall not be accepted for signature verification if it contains less than 100 percent of the required number of signatures. The petition shall not be accepted for filing until 100 percent of the required number of signatures of electors have been verified.

(2) The provisions for verification of signatures on an initiative or referendum petition contained in ORS 250.105, are applicable to the verification of signatures on a recall petition. [Formerly 254.420; 1989 c.68 §4; 1991 c.719 §9]

249.876 Removal of signature after petition submitted for verification. After a recall petition is submitted for signature verification, no elector who signed the petition may remove the signature of the elector from the petition. [1985 c.808 §21]

249.877 Statement of justification by public officer. (1) A public officer against whom a recall petition has been filed may submit to the filing officer, in not more than 200 words, a statement of justification of the public officer's course in office. The statement must be filed not later than the fifth day after the recall petition is filed.

(2) The county clerk shall have the statement printed on the official and sample ballots for the recall election. [1983 c.514 §7b]

249.880 [Formerly 254.460; 1985 c.808 §23; repealed by 1987 c.210 §3]

249.990 [Repealed by 1979 c.190 §431]