

# Chapter 248

2011 EDITION

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**ELECTIONS**

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**GENERAL PROVISIONS**

**248.002 Definitions.** As used in this chapter:

(1) "Committee office" means chairperson, vice chairperson or other office the county or state central committee of a political party creates to govern the business of the committee.

(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) "Member" means an individual who is registered as being affiliated with the political party. [1979 c.190 §67]

**248.004 Powers of political parties; liability of political parties and of officers, employees and members of political parties.** (1) A minor political party or a major political party shall have all the powers granted to a nonprofit corporation under ORS 65.077.

(2) A major or minor political party shall be treated for purposes of contractual, tort or other liability as a nonprofit corporation.

(3) Officers and employees of a major or minor political party, including officers and employees of local subdivisions of the parties, shall be treated as officers and employees of nonprofit corporations for liability for all matters relating to the political party.

(4) Any member of a governing body of a major or minor political party, including local subdivisions of the parties, shall be treated as directors of nonprofit corporations for liability for all matters relating to the political party. If the bylaws of a party designate a central committee, such as a state, county or congressional district central committee, as the governing body of the party, then the members of the central committee shall be directors of the party for purposes of this section.

(5) Notwithstanding ORS 65.157, creditors of a major or minor political party may not proceed against members of the political parties for liabilities members owe to the parties arising from their party membership.

(6) This section does not affect the liability of political committee directors, treasurers and candidates as provided in ORS chapter 260. [1993 c.797 §5]

**248.005 Parties to insure widest and fairest representation of members.** Each political party by rule shall insure the widest and fairest representation of party members in the party organization and activities.

Rules shall be adopted by procedures that assure the fair and open participation of all interested party members. [1975 c.779 §1; 1979 c.190 §68]

**248.006 Qualification and maintenance of status as major political party; loss of status as major political party; calculation of number of party members.** (1) An affiliation of electors becomes a major political party in this state and is qualified to make nominations at a primary election when a number of electors equal to at least five percent of the number of electors registered in this state are registered as members of the party not later than the 275th day before the date of a primary election. An affiliation of electors satisfying the requirements of this subsection shall be subject to the provisions of ORS 248.007 on the date the Secretary of State determines the registration requirements are satisfied.

(2) The number of electors described in subsection (1) of this section shall be calculated based on the number of electors registered in this state and eligible to vote, as reported on the official abstracts of the election, at the general election immediately preceding the deadline specified in subsection (1) of this section.

(3) After an affiliation of electors becomes a major political party under subsection (1) of this section, in order to maintain status as a major political party subject to ORS 248.007, the party must satisfy the registration requirement of subsection (1) of this section not later than the 275th day before each primary election.

(4) An affiliation of electors ceases to be a major political party if the registration requirements of subsection (1) of this section are not satisfied by the 275th day before each primary election. The affiliation of electors ceases to be a major political party on the date the Secretary of State determines that the registration requirement is not satisfied.

(5) When an affiliation of electors has not satisfied the registration requirement of subsection (1) of this section for the first time, at the request of a representative of the affiliation of electors, the Secretary of State shall determine not less than once each month whether at least five percent of the number of eligible electors registered in this state are registered as members of the party. After an affiliation of electors has qualified as a major political party, the Secretary of State shall determine on the 274th day before each primary election whether the major political party has satisfied the registration requirements described in subsection (3) of this section. [1979 c.190 §69; 1993 c.797 §1; 1995 c.712 §14; 2001 c.721 §1]

**248.007 Organization of major political parties; applicability of ORS 248.012 to 248.315; election of precinct committeepersons; notice to Secretary of State; use of primary election.** (1) Subject to ORS 248.005, a major political party may organize and select delegates to national party conventions in any manner.

(2) The provisions of ORS 248.012 to 248.315 do not apply to a major political party if the party has notified the Secretary of State as provided in subsection (5) of this section that the party does not intend to be subject to the provisions of ORS 248.012 to 248.315. References to precinct committeepersons in any provisions of ORS chapters 246 to 260 do not apply to a party described in this subsection.

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

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

(5) Not later than the 274th day before the date of the primary election, a major political party shall notify the Secretary of State in writing whether or not the party intends to be subject to the provisions of ORS 248.012 to 248.315 or whether the party intends to elect precinct committeepersons under subsection (4) of this section. If the major political party does not intend to be subject to the provisions of ORS 248.012 to 248.315 or intends to elect precinct committeepersons under subsection (4) of this section, the party shall file with the Secretary of State, at the same time notice is given under this subsection, a copy of its organizational documents setting forth the manner in which its officers and managing committees are selected or any other manner in which it conducts its affairs.

(6) In each even-numbered year, a major political party shall file with the Secretary of State a statement indicating that the party is operating subject to ORS 248.012 to 248.315 or a copy of current organizational documents setting forth the manner in which its officers and managing committees are selected or any other manner in which it conducts its affairs. Material described in this subsection shall be filed on the 274th day before the third Tuesday in May of each odd-numbered year.

(7) A major political party subject to the provisions of this section shall nominate candidates of the major political party, for other than political party office, at the primary election. [1993 c.797 §3; 1995 c.712 §15]

**248.008 Qualification as minor political party; party member registration requirement; eligibility to nominate candidates; maintenance of status as minor political party; loss of status as minor party.** (1) An affiliation of electors becomes a minor political party in the state, a county or other electoral district, qualified to make nominations for public office in that electoral district and in any other electoral district wholly contained within the electoral district, when either of the following events occurs:

(a) When the affiliation of electors has filed with the Secretary of State a petition with the signatures of at least a number of electors equal to one and one-half 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. The petition also must state the intention to form a new political party and give the designation of it. The petition must contain only original signatures and must be filed not later than two years following the date the prospective petition is filed. The circulator shall certify on each signature sheet that the circulator witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet and that the circulator believes each individual is an elector registered in the electoral district. The Secretary of State shall verify whether the petition contains the required number of signatures of electors. The Secretary of State may not accept a petition for filing if it contains less than 100 percent of the required number of signatures. The Secretary of State by rule shall designate a statistical sampling technique to verify whether a petition contains the required number of signatures of electors. A petition may not be rejected for the reason that it contains less than the required number of signatures unless two separate sampling processes both establish that

the petition lacks the required number of signatures. The second sampling must contain a larger number of signatures than the first sampling. The Secretary of State may employ professional assistance to determine the sampling technique. The statistical sampling technique may be the same as that adopted under ORS 250.105. Before circulating the petition, the chief sponsor of the petition must file with the Secretary of State a signed copy of the prospective petition. The chief sponsor must 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 must 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 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.

(b) When the affiliation of electors has polled for any one of its candidates for any public office in the electoral district at least one percent of the total votes cast in the electoral district for all candidates for:

(A) Presidential elector at the last general election at which candidates for President and Vice President of the United States were listed on the ballot; or

(B) Any single state office to be voted upon in the state at large for which nominations by political parties are permitted by law at the most recent election at which a candidate for the office was elected to a full term.

(2) After satisfying either requirement of subsection (1) of this section, the minor political party may nominate candidates for election at the next general election.

(3) A filing officer may not accept a certificate of nomination of a candidate nominated by a minor political party for a subsequent general election unless the minor political party has satisfied the requirements of subsection (4)(a) or (b) of this section.

(4) After a minor political party qualifies to nominate candidates for a general election under subsection (1) of this section, in order to maintain status as a minor political party for a subsequent general election:

(a)(A) Following each general election, at any time during the period beginning on the date of the next primary election and

ending on the 90th day before the next general election, a number of electors equal to at least one-tenth of one percent of the total votes cast in the state or electoral district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term must be registered as members of the party; and

(B) A candidate or candidates of the party must poll a number of votes described in subsection (1)(b) of this section at each subsequent general election; or

(b) Following each general election, at any time during the period beginning on the date of the next primary election and ending on the 90th day before the next general election, a number of electors equal to at least one-half of one percent of the total number of registered electors in this state must be registered as members of the party.

(5) An affiliation of electors that fails to maintain its status as a minor political party, as described in subsection (4) of this section, ceases to be a minor political party on the 90th day before the date of the next general election.

(6) During the period beginning on the date of the primary election and ending on the 90th day before the date of the general election, the Secretary of State shall determine not less than once each month whether the registration requirements of subsection (4) of this section have been satisfied. If the minor political party changes its name, only those electors who register on or after the effective date of the name change as members of the party under the new party name shall be counted as members of the party under this subsection.

(7) An affiliation of electors or a minor political party may not satisfy the one percent requirement referred to in subsection (1)(b) of this section by nominating a candidate who is the nominee of another political party at the same election.

(8) For purposes of this section, "subsequent general election" means any general election that is held after the first general election following qualification as a minor political party under subsection (1) of this section. [1979 c.190 §70; 1983 c.756 §5; 1989 c.68 §1; 1989 c.923 §27; 1993 c.797 §§2,2a; 1995 c.606 §3; 1995 c.712 §16; 1997 c.287 §1; 1999 c.318 §23; 2001 c.331 §1; 2001 c.721 §3; 2007 c.848 §22; 2009 c.511 §4]

**248.009 Process for nominating candidates by minor political party; notice to filing officer; notice of nominating convention.** (1) A minor political party shall file with the filing officer a copy of its organizational documents establishing its process for nominating candidates for public office. The organizational documents shall be filed not later than 30 days after they are adopted.

The nominating process for candidates for election at the general election shall provide an equal opportunity to all registered members of the party within the electoral district to participate in the process of making nominations or selecting the delegates who will make the nominations. A minor political party shall file copies of any changes to its organizational documents relating to nomination of candidates for public office not later than 30 days after the date any changes were made. The minor political party shall nominate candidates for public office only in accordance with the procedures set forth in its organizational documents.

(2) A minor political party shall file with the filing officer a list of any officers selected by the party. The list shall be filed not later than 10 days after any selection is made. A minor political party shall file copies of any changes to the list of officers not later than 10 days after the date any changes were made.

(3) Not later than the 10th day before any nominating convention of a minor political party, notice shall be published at least once in not fewer than three newspapers of general circulation within the electoral district for which the nomination will be made. If there are fewer than three newspapers of general circulation within the electoral district, notice shall be published at least once in one newspaper of general circulation within the electoral district for which the nomination will be made and other public notice shall be given that is reasonably calculated to assure that party members in the electoral district receive notice of the convention. The notice shall contain the time and place of the convention, and the office or offices for which nominations will be made. [1993 c.797 §4; 1995 c.606 §4]

**248.010 Use of party name.** Each major political party and minor political party, its nominated candidates and its members and officers shall have the exclusive right to use the whole party name or any part of it. [Amended by 1957 c.608 §49; 1965 c.407 §1; 1975 c.779 §4; 1979 c.190 §71; 1983 c.514 §5]

**248.011 Enforcement of ORS 248.005 or political party rules.** Except as expressly required by law, the Secretary of State, a county clerk or any other elections official shall not enforce the provisions of ORS 248.005 or any other rule adopted by a political party. [1995 c.606 §2]

**248.012 Notice of committee meetings required.** The chairperson of a county central committee or state central committee shall notify by mail the entire membership of the committee not later than the sixth day before the date of an anticipated meeting. Except for the notice of an organizational

meeting of a county central committee, failure to give timely notice of the time, date and place of a meeting shall invalidate the business of the meeting. [Formerly 248.100]

### PRECINCT COMMITTEEPERSONS

**248.015 Precinct committeepersons; qualifications; election; vote required; term.** (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 committeeperson of each sex for every 500 electors, or major fraction thereof, who are registered in the precinct on January 31 of the year of 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 in the precinct. No person shall hold office as committeeperson in more than one precinct.

(2) A member of a major political party 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, 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 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.

(5) Unless a qualified person receives at least three votes, no person shall be deemed to have been elected as precinct committeeperson and the office of 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 considered a public officer. [1965 c.407 §§3, 7; subsection (6) enacted as 1967 c.540 §3(3); 1969 c.282 §1; 1977 c.199 §1; 1977 c.644 §1; 1979 c.190 §73; 1981 c.862 §1; 1991 c.87 §1; 1991 c.107 §3; 1995 c.712 §17]

**248.017 Candidacy for office of precinct committeeperson by person who attains age of 18 years after deadline for filing declaration of candidacy.** 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 the date of the primary election, is eligible to file a nominating petition for the office of precinct committeeperson, to be listed on the ballot and to be elected to the office, including by write-in votes. [1993 c.583 §2; 1995 c.712 §18]

**248.018** [1973 c.827 §24b; repealed by 1979 c.190 §431]

**248.020** [Amended by 1957 c.608 §50; repealed by 1965 c.407 §18]

**248.023 Certificates of election; acceptance of office; list of precinct committeepersons; offices declared vacant when no committeeperson elected.** (1) Not later than the 20th day after a primary election, the county clerk shall mail a certificate of election to each newly elected precinct committeeperson within the county. The clerk also shall mail an "Acceptance of Office" form to each person elected by write-in votes to the office of committeeperson. 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, 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 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 shall declare the other offices of committeeperson vacant. [1965 c.407 §§4,5; 1975 c.779 §5; 1977 c.644 §2; 1979 c.190 §74; 1987 c.267 §10; 1995 c.607 §75; 1995 c.712 §19]

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

(a) Remove the name of the person from the list of committeepersons.

(b) Declare that office vacant.

(c) Notify the appropriate county central committee.

(2) When a precinct committeeperson ceases to be registered in the precinct in which the committeeperson was elected or a precinct adjoining that precinct within the same county, changes political party registration or dies, the county central committee shall notify the county clerk of the fact.

Upon receipt of this notification, if the county clerk determines that the notification is correct, the clerk shall:

(a) Remove the name of the person from the list of committeepersons.

(b) Declare that office vacant. [Formerly 248.047]

**248.025** [1965 c.407 §6; 1979 c.190 §79; renumbered 248.031]

**248.026 Selection of precinct committeeperson to fill vacancy; effective date of selection; term; powers.** (1) The members of a county central committee may select a member of the major political party who is registered in 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.

(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 of the proposed selection. The selection shall take effect when the county clerk upon timely verification of eligibility, places the name of the person selected on the list of committeepersons. The county clerk 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 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. [Formerly 248.055; 1987 c.620 §1; 2005 c.506 §3]

**248.027 Committeeperson to continue on central committee despite change in precinct.** A precinct committeeperson who represents a precinct which is subsequently combined, consolidated or abolished shall continue to be a member of the county central committee until the end of that committeeperson's regular term of office. [Formerly 248.057]

**248.029 Recall procedure.** (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 committeeperson resigns, the resignation shall take effect on the date of the resignation. If the committeeperson does not resign before the fifth day after the petition is filed with the county clerk, a special election shall be ordered by the county clerk to be held not later than the 25th day after the petition is filed to determine whether the 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 committeeperson's justification of the committeeperson's actions in office. The 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 committeeperson. [Formerly 248.053; 1981 c.173 §19; 1987 c.267 §11; 1995 c.712 §20]

**248.030** [Amended by 1957 c.608 §51; repealed by 1965 c.407 §18]

## COUNTY CENTRAL COMMITTEE

**248.031 Precinct committeepersons as county central committee; status and functions of committee.** The precinct committeepersons of the county shall constitute the county central committee of their party. The county central committee of each major political party is the highest party authority in county party matters and may adopt rules or resolutions for any matter of party government within the county which is not controlled by the laws of this state. [Formerly 248.025]

**248.033 Organizational meeting; notice.** (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 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 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 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. [1965 c.407 §8; 1975 c.779 §6; 1977 c.644 §3; 1979 c.190 §80; 1981 c.862 §2; 1987 c.267 §12; 1995 c.712 §21; 2005 c.506 §1]

**248.035 Transfer of property; election of officers; notice of election; eligibility to vote.** (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 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 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 a list of committee members. The list shall determine the eligibility of a committeeperson to vote to fill a vacancy in a committee office. [1965 c.407 §9(1),(2),(3),(4); 1973 c.773 §5; 1975 c.779 §7; 1979 c.190 §81; 2005 c.506 §4]

**248.040** [Repealed by 1965 c.407 §18]

**248.043 Procedure if meeting not called; filling vacancies when no precinct committeeperson elected; term of appointee; notice to county clerk.** 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 committee person, 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 committee person is elected may appoint members to fill the vacancies in the office of committee person 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 committee person for the unexpired term and shall have the powers, duties and privileges of a committee person. When a person is appointed to the office of committee person pursuant to this subsection, the temporary chairperson shall notify, in writing, the county clerk of the appointment. The county clerk shall place the name of the person appointed on the list of committee persons. [1965 c.407 §9(5),(6); 1979 c.190 §82]

**248.045 Proxies prohibited; bylaws or rules; executive committee functions; voting privileges.** Proxies in no instance shall be permitted to participate at any county central committee meeting. At any meeting of the county central committee, the committee may:

(1) Adopt, amend or repeal bylaws or rules for the government of the political party in the county.

(2) By the adoption of bylaws or of a resolution, select an executive committee and authorize the executive committee to exercise those powers delegated to it by the central committee including, but not limited to, the power to fill a vacancy in the office of committee person pursuant to ORS 248.026. In no event may the central committee delegate, or the executive committee exercise, the power to elect a person to, or fill a vacancy in a committee office. The persons selected as the executive committee need not be members of the county central committee.

(3) Except as provided by ORS 248.035 (3), grant participation and voting privileges to a:

(a) Person who holds a public office or an office of a political party.

(b) Person who has been nominated for a public office at the preceding primary election.

(c) Member of the executive committee of the county central committee. [1965 c.407 §10; 1979 c.190 §83; 1987 c.267 §13; 1995 c.712 §22]

**248.047** [1965 c.407 §11; 1967 c.540 §1; 1975 c.779 §8; 1979 c.190 §75; renumbered 248.024]

**248.049** [1967 c.540 §3(1),(2); repealed by 1979 c.190 §431]

**248.050** [Repealed by 1965 c.407 §18]

**248.053** [1967 c.540 §4; 1979 c.190 §78; renumbered 248.029]

**248.055** [1965 c.407 §12; 1967 c.540 §2; 1975 c.779 §9; 1979 c.190 §76; renumbered 248.026]

**248.057** [1967 c.124 §2; 1979 c.190 §77; renumbered 248.027]

**248.060** [Amended by 1957 c.608 §52; repealed by 1965 c.407 §18]

**248.070** [Amended by 1957 c.608 §53; 1961 c.94 §1; repealed by 1965 c.407 §18]

**248.071** [1965 s.s. c.1 §3 (enacted as 248.070); repealed by 1967 c.227 §1]

## STATE CENTRAL COMMITTEE

**248.072 Authority of state central committee.** The state central committee is the highest party authority in the state and may adopt rules or resolutions for any matter of party government which is not controlled by the laws of this state. [1979 c.190 §84]

**248.075 State central committee; organizational meeting; notice.** (1) The state central committee shall consist of at least two delegates from each county central committee and other delegates from each county equal to the number of party members in the county registered on the date of the primary election divided by 15,000. If the remaining number exceeds 7,500, one additional delegate shall represent the county. The delegates and an equal number of alternate delegates shall be selected by the county central committee. When a delegate of a county central committee is unable to attend a meeting of the state central committee, an alternate delegate of the county central committee may attend the meeting.

(2) The organizational meeting of a newly elected state central committee shall be held on a date to be determined by party rule. The retiring state central committee shall mail notice of the meeting, not later than the sixth day before the meeting, to each member of the newly elected state central committee. If permitted by the bylaws of the state central committee, the state central committee may notify members by means other than by mail.

(3) The chairperson of the retiring state central committee shall mail a notice of the meeting to the county central committees not later than the 45th day before the meeting. The state central committee may not reorganize without the mailing of this notification.

(4) If a county central committee fails to organize before the organizational meeting of the state central committee, the appointed temporary chairperson of the county central committee may act as the sole delegate from

that committee to the state central committee.

(5) If the retiring state central committee does not mail notice of the organizational meeting under subsection (2) of this section, the meeting may be called by a petition signed by at least 19 chairpersons of the county central committees. The petition shall state the time, date and place of the organizational meeting. A copy of the petition shall be mailed to each newly elected chairperson and vice chairperson of the county central committees not later than the sixth day before the meeting. A copy of the petition shall be filed with the Secretary of State. [1965 c.407 §13; 1975 c.779 §10; 1979 c.190 §85; 1981 c.862 §3; 1987 c.267 §14; 1995 c.712 §23; 2005 c.506 §2]

**248.080** [Amended by 1957 c.608 §54; repealed by 1965 c.407 §18]

**248.085 Transfer of property; election of officers; bylaws or rules; executive committee functions.** (1) At the organizational meeting of the state central committee:

(a) The officers of the retiring state central committee shall deliver to the newly elected committee the property, records and funds owned or controlled by the retiring committee.

(b) The committee 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 state central committee. The committee shall determine the term of each office.

(c) The committee shall adopt, amend or repeal bylaws or rules for the government of the state central committee.

(2) At any meeting of the state central committee, the committee, by bylaw or resolution, may select an executive committee and delegate powers to it. The persons selected as the executive committee need not be members of the state central committee. In no event may the central committee delegate, or the executive committee exercise, the power to elect a person to fill a vacancy in state committee offices. However, the central committee may provide in its bylaws for the appointment by the executive committee of a temporary officer to fill a vacancy. [1965 c.407 §14; 1975 c.779 §11; 1979 c.190 §86]

**248.090** [Amended by 1957 c.608 §55; 1965 s.s. c.1 §4; 1971 c.627 §1; repealed by 1975 c.779 §28]

**248.095** [1989 c.986 §4; repealed by 1993 c.797 §33]

**248.100** [Amended by 1965 c.407 §15; 1975 c.779 §12; 1979 c.190 §71; renumbered 248.012]

**248.110** [Repealed by 1957 c.608 §231]

**248.120** [Repealed by 1957 c.608 §231]

**248.130** [Repealed by 1957 c.608 §231]

**248.140** [Repealed by 1957 c.608 §231]

**248.150** [Amended by 1957 c.608 §56; 1965 c.320 §1; repealed by 1967 c.227 §1]

**248.160** [Amended by 1957 c.608 §57; 1975 c.779 §12a; 1979 c.190 §87; repealed by 1983 c.567 §22]

**248.170** [1973 c.773 §8; repealed by 1975 c.779 §28]

**248.175** [1973 c.773 §9; renumbered 171.062]

**248.180** [1973 c.773 §10; renumbered 171.064]

**248.210** [1961 c.667 §2; 1965 c.407 §16; repealed by 1975 c.779 §28]

**248.220** [1961 c.667 §3; repealed by 1975 c.779 §28]

**248.310** [Amended by 1957 c.608 §58; 1975 c.779 §13; repealed by 1979 c.190 §431]

## DELEGATES TO NATIONAL CONVENTIONS

**248.315 Selection of delegates to national convention.** (1) After a presidential preference primary election, each major political party whose national affiliate holds a convention to select its nominee for President of the United States shall select delegates to the national convention of that party.

(2) Delegates to the national convention of a party shall be selected in the manner provided by party rules, which shall provide all electors registered as members of the party equal opportunity to participate in the selection of delegates.

(3) Delegates to the national convention of the party shall be selected so that the number of delegates who favor a certain candidate shall represent the proportion of votes received by the candidate in relation to the other candidates of that party at the presidential preference primary election. Each person selected as a delegate shall sign a pledge that the person will continue to support at the national convention the candidate for President of the United States the person is selected as favoring until:

(a) The candidate is nominated at the convention;

(b) The candidate receives less than 35 percent of the votes for nomination at the convention;

(c) The candidate releases the delegate from the pledge; or

(d) Two convention nominating ballots have been taken. [1975 c.779 §15; 1979 c.190 §88; 1979 c.748 §1; 1987 c.267 §15; 1993 c.797 §28]

**248.320** [Amended by 1957 c.608 §59; 1969 c.603 §1; subsections (2), (3), (4) enacted as 1969 c.603 §4; 1971 c.685 §1; repealed by 1975 c.779 §28]

**248.325** [1971 c.590 §2; repealed by 1975 c.779 §28]

**248.330** [Amended by 1957 c.608 §60; 1969 c.603 §2; repealed by 1975 c.779 §28]

**248.340** [Amended by 1957 c.608 §61; renumbered 248.355]

**248.350** [Amended by 1957 c.608 §62; repealed by 1975 c.779 §28]

**248.352** [1965 c.526 §§2,3,5; repealed by 1975 c.779 §28]

**248.354** [1965 c.526 §4; repealed by 1975 c.779 §28]

### PRESIDENTIAL ELECTORS

**248.355 Selection of presidential electors; candidate's pledge.** (1) In a year when a President and Vice President of the United States are to be nominated and elected, each political party nominating candidates for those offices shall select a number of candidates for elector of President and Vice President equal to the total number of Senators and Representatives to which this state is entitled in Congress.

(2) A candidate for elector when selected shall sign a pledge that, if elected, the candidate will vote in the electoral college for the candidates of the party for President and Vice President. The Secretary of State shall prescribe the form of the pledge. The party shall certify the names of the selected candidates for elector to the Secretary of State not later than the 70th day before the election of electors. [Formerly 248.340; 1961 c.46 §1; 1961 c.667 §4; 1965 c.138 §1; 1975 c.779 §16; 1979 c.190 §89; 1993 c.797 §25; 2001 c.965 §2]

**248.360 Election time and number of presidential electors to be elected; names of presidential electors not printed on ballot.** (1) At the general election in a year when a President and Vice President of the United States are to be elected, the electors of this state shall elect as many electors of President and Vice President as this state is entitled to elect Senators and Representatives in Congress.

(2) The names of the electors shall not be printed on the general election ballot. A

vote for the candidates for President and Vice President shall be a vote for the electors supporting those candidates and selected as provided by law. The general election ballot shall state that electors of President and Vice President are being elected and that a vote for the candidates for President and Vice President shall be a vote for the electors supporting those candidates. [Amended by 1979 c.190 §90; 1993 c.493 §4]

**248.370 Convening of electors; vacancies; duties.** The electors of President and Vice President shall convene at the State Capitol on the Monday after the second Wednesday in December following their election. If there is any vacancy in the office of an elector caused by death, refusal to act, neglect to attend or otherwise, the electors present immediately shall fill it by plurality of voice votes. When all the electors have appeared or the vacancies have been filled, the electors shall perform the duties required of them by the Constitution and laws of the United States. [Amended by 1979 c.190 §91; 1995 c.79 §88; 1995 c.607 §12]

**248.380 Electors' mileage expenses.** An elector of President and Vice President of the United States who attends at the time and place appointed and votes for President and Vice President shall be entitled to receive from this state mileage expenses at the rate allowed to members of the Legislative Assembly. [Amended by 1957 c.608 §63; 1979 c.190 §92; 1995 c.607 §13]

**248.990** [1965 c.407 §17; 1975 c.779 §14; 1979 c.190 §93; repealed by 1987 c.718 §5]

**ELECTIONS**

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