

Senate Bill 602

Sponsored by Senators RINGO, WESTLUND, Representatives GARRARD, HASS; Senators BATES, JOHNSON, MORRISETTE, MORSE, NELSON, SCHRADER, SHIELDS, VERGER, Representatives BROWN, BRUUN, GREENLICK, TOMEI

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Designates offices of Governor, Secretary of State, State Treasurer, Attorney General, state Senator and state Representative as nonpartisan.

A BILL FOR AN ACT

1
2 Relating to elections; creating new provisions; and amending ORS 137.658, 171.051, 171.060, 171.068,
3 244.250, 249.002, 249.068, 249.072, 249.088, 249.200, 254.005, 254.056, 254.365 and 442.035 and sec-
4 tion 2, chapter 542, Oregon Laws 2003.

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

6 **SECTION 1.** ORS 249.002 is amended to read:

7 249.002. As used in this chapter:

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

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

11 (3) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-
12 tution.

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

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

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

18 (7) "Nonpartisan office" means the office of judge, **Governor, Secretary of State, State**
19 **Treasurer, Attorney General**, Superintendent of Public Instruction, Commissioner of the Bureau
20 of Labor and Industries, **state Senator, state Representative**, any elected office of a metropolitan
21 service district under ORS chapter 268, justice of the peace, county clerk, county assessor, county
22 surveyor, county treasurer, sheriff, district attorney or any office designated nonpartisan by a home
23 rule charter.

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

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

28 (10) "State office" means Governor, Secretary of State, State Treasurer, Attorney General,
29 Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, judge,
30 state Senator, state Representative or district attorney.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

SECTION 2. ORS 254.005 is amended to read:

254.005. As used in this chapter:

(1) "Ballot" means any material on which votes may be cast for candidates or measures. In the case of a recall election, "ballot" includes material posted in a voting compartment or delivered to an elector by mail.

(2) "Ballot label" means the material containing the names of candidates or the measures to be voted on.

(3) "Chief elections officer" means the:

(a) Secretary of State, regarding a candidate for a state office or an office to be voted on in the state at large or in a congressional district, or a measure to be voted on in the state at large.

(b) County clerk, regarding a candidate for a county office, or a measure to be voted on in a county only.

(c) City clerk, auditor or recorder, regarding a candidate for a city office, or a measure to be voted on in a city only.

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

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

(6) "Major political party" means a political party that has qualified as a major political party under ORS 248.006.

(7) "Measure" includes any of the following submitted to the people for their approval or rejection at an election:

(a) A proposed law.

(b) An Act or part of an Act of the Legislative Assembly.

(c) A revision of or amendment to the Oregon Constitution.

(d) Local, special or municipal legislation.

(e) A proposition or question.

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

(9) "Nonpartisan office" means the office of judge of the Supreme Court, Court of Appeals, circuit court or the Oregon Tax Court, **Governor, Secretary of State, State Treasurer, Attorney General, Superintendent of Public Instruction, Commissioner of the Bureau of Labor and Industries, state Senator, state Representative**, any elected office of a metropolitan service district under ORS chapter 268, justice of the peace, county clerk, county assessor, county surveyor, county treasurer, county judge who exercises judicial functions, sheriff, district attorney or any office designated nonpartisan by a home rule charter.

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

(11) "Regular district election" means the election held each year for the purpose of electing members of a district board as defined in ORS 255.005 (2).

(12) "Vote tally system" means one or more pieces of equipment necessary to examine and tally automatically the marked or punched ballots.

~~[(12)]~~ (13) "Voting machine" means:

(a) Any device which will record every vote cast on candidates and measures and which will either internally or externally total all votes cast on that device.

(b) Any device into which a ballot may be inserted and which is so designed and constructed

1 that the vote for any candidate or measure may be indicated by punching or marking the ballot.

2 [(13) "Vote tally system" means one or more pieces of equipment necessary to examine and tally
3 automatically the marked or punched ballots.]

4 **SECTION 3.** ORS 254.056, as amended by section 7, chapter 542, Oregon Laws 2003, is amended
5 to read:

6 254.056. (1) The general election shall be held on the first Tuesday after the first Monday in
7 November of each even-numbered year. Except as provided in section 2, chapter 542, Oregon Laws
8 2003, at the general election officers of the state and subdivisions of the state, members of Congress
9 and electors of President and Vice President of the United States as are to be elected in that year
10 shall be elected.

11 (2) The primary election shall be held on the third Tuesday in May of each even-numbered year.
12 At the primary election:

13 (a) Precinct committeepersons shall be elected and major political party candidates shall be
14 nominated for offices to be filled at the general election held in that year; **and**

15 (b) **Nonpartisan candidates shall be nominated or elected as provided in ORS 249.088.**

16 **SECTION 4.** ORS 249.088 is amended to read:

17 249.088. (1) [Unless otherwise provided by] **Subject to subsections (2) to (4) of this section**
18 **and the provisions of** a home rule charter, at the [nominating election held on the date of the] pri-
19 mary election, **the two candidates receiving the highest number of votes** shall be nominated for
20 the nonpartisan office.

21 (2) [However,] **Except as provided in subsections (3) and (4) of this section,** when a
22 candidate[, other than a candidate for the office of sheriff, a candidate for the office of county clerk,
23 a candidate for the office of county treasurer or a candidate to fill a vacancy,] **for nonpartisan office**
24 receives a majority of the votes cast for the office at the nominating election, that candidate is
25 elected.

26 (3) **Subsection (2) of this section does not apply to the office of Governor, Secretary of**
27 **State, State Treasurer, Attorney General, state Senator or state Representative.**

28 [(2)] (4) When a candidate for the office of sheriff, [the office of] county clerk[, the office of] **or**
29 county treasurer or a candidate to fill a vacancy receives a majority of votes cast for the office at
30 the nominating election, that candidate alone is nominated.

31 **SECTION 5.** ORS 249.200 is amended to read:

32 249.200. (1) A major political party may nominate a candidate to fill a vacancy in a partisan
33 elective office in the following manner:

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

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

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

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

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

43 [(c)] (b) The procedure specified in ORS chapter 236 for county office.

44 [(d)] (c) The procedure specified in ORS chapter 221 for city office.

45 (3) A party that selects a nominee under subsection (1)(b) of this section, immediately after the

1 nomination, shall notify the filing officer with whom a declaration of candidacy for the office is filed
2 of the name of the nominee by the most expeditious means practicable.

3 (4) The Secretary of State by rule may adopt a schedule specifying the period following a va-
4 cancy within which a major political party that selects a nominee under subsection (1)(b) of this
5 section must notify the filing officer of the name of the nominee under subsection (3) of this section.

6 **SECTION 6.** ORS 249.068 is amended to read:

7 249.068. (1) Except as otherwise provided for a candidate for nonpartisan office in ORS 249.072:

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

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

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

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

26 (2) Except as otherwise provided in this section or for a candidate for nonpartisan office in ORS
27 249.072:

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

33 *[(b) In the case of major political party candidates for the office of state Senator or state Repre-*
34 *sentative, for an election next following any change in the boundaries of the districts of state Senators*
35 *or state Representatives under section 6, Article IV of the Oregon Constitution, there shall be at least*
36 *500 signatures or the number of signatures at least equal to two percent of the average number of votes*
37 *cast in all state senatorial or state representative districts in this state, as the case may be, for the*
38 *candidates of that major political party for presidential electors at the last presidential election,*
39 *whichever is less;]*

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

42 *[(d)]* (c) If the office under this subsection is to be voted for in more than one county, the sig-
43 natures shall include those of electors registered in at least six percent of the precincts in the
44 electoral district that are located in each of two or more of the counties, or portions of the counties,
45 within which the electoral district is located. If six percent of the precincts of the electoral district

1 in one of the counties or portion thereof does not constitute a whole precinct, the nominating peti-
 2 tion shall contain signatures from at least one precinct in that county; and

3 [(e)] (d) If the office is to be voted for in only one county or in a city, the signatures shall in-
 4 clude those of electors registered in at least 10 percent of the precincts in the electoral district.

5 **SECTION 7.** ORS 249.072 is amended to read:

6 249.072. (1) If the nonpartisan office is to be voted for in the state at large, the nominating pe-
 7 tition shall contain at least 1,000 signatures of electors, or a number of signatures of electors equal
 8 to at least one percent of the vote cast in the state for all candidates for Governor at the most re-
 9 cent election at which a candidate for Governor was elected to a full term, whichever is less. The
 10 signatures shall include those of electors registered in each of at least five percent of the precincts
 11 in each of at least seven counties.

12 (2) The nominating petition for a nonpartisan office not provided for in subsection (1) of this
 13 section shall contain at least 500 signatures of electors in the electoral district, or a number of
 14 signatures of electors equal to at least one percent of the vote cast in the electoral district for all
 15 candidates for Governor at the most recent election at which a candidate for Governor was elected
 16 to a full term, whichever is less. **In the case of candidates for the office of state Senator or the**
 17 **office of state Representative, for an election next following any change in the boundaries**
 18 **of the districts of state Senators or state Representatives under section 6, Article IV of the**
 19 **Oregon Constitution, the nominating petition shall contain at least 500 signatures or the**
 20 **number of signatures at least equal to one percent of the average number of votes cast in**
 21 **all state senatorial or state representative districts in this state, as the case may be, for all**
 22 **candidates for presidential electors at the last presidential election, whichever is less.** In ad-
 23 dition:

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

30 (b) If the office is to be voted for in only one county or in a city, the signatures shall include
 31 those of electors registered in each of at least 10 percent of the precincts in the electoral district.

32 **SECTION 8.** ORS 254.365 is amended to read:

33 254.365. (1) An elector [*shall not be*] **is not** qualified or permitted to vote at any primary election
 34 for any candidate of a major political party, and it shall be unlawful for the elector to offer to do
 35 so, unless:

36 (a) The elector is registered as being affiliated with one of the major political parties nominating
 37 or electing its candidates for public office at the primary election; or

38 (b) The elector is registered as not being affiliated with any political party and wishes to vote
 39 in the primary election of a major political party that has provided under subsection (3) of this
 40 section for a primary election that admits electors not affiliated with any political party.

41 (2) Except as provided in ORS 254.470 (4), any elector offering to vote at the primary election
 42 shall be given a ballot of the major political party with which the elector is registered as being af-
 43 filiated. The elector [*shall*] **may** not be given a ballot of any other political party at that primary
 44 election. An elector not affiliated with any political party and offering to vote at the primary
 45 election shall be given the ballot of the major political party in whose primary election the elector

1 wishes to vote if that party has provided under subsection (3) of this section for a primary election
 2 that admits electors not affiliated with any political party. An elector not affiliated with any poli-
 3 tical party who is given a ballot of the major political party associates with the party for the pur-
 4 pose of voting in that primary election.

5 (3) Not later than the 90th day before the date of the primary election, a major political party
 6 may file with the Secretary of State a certified copy of the current party rule allowing an elector
 7 not affiliated with any political party to vote in the party's primary election. The party *[shall]* **may**
 8 not repeal the rule as filed during the 90 days before the primary election. The rule shall continue
 9 to be effective after the date of the primary election until the party gives written notice to the
 10 Secretary of State that the rule has been repealed. A party rule under this subsection may limit the
 11 candidates for whom an elector who is not affiliated with any political party may vote. *[The party*
 12 *rule shall, however, allow any elector who is permitted to vote for the most numerous branch of the*
 13 *Legislative Assembly to also vote in federal legislative elections, consistent with section 2, Article I, and*
 14 *the Seventeenth Amendment to the United States Constitution.]*

15 (4) If the primary election ballot includes city, county or nonpartisan offices or measures, and
 16 it is given to an elector who is not eligible to vote for party candidates, the ballot shall be marked
 17 "limited."

18 **SECTION 9.** ORS 171.051 is amended to read:

19 171.051. (1) When any vacancy occurs in the Legislative Assembly due to death or recall or by
 20 reason of resignation filed in writing with the Secretary of State or a person is declared disqualified
 21 by the house to which the person was elected, the vacancy shall be filled by appointment if:

22 (a) The vacancy occurs during any session of the Legislative Assembly;

23 (b) The vacancy occurs in the office of a state Representative before the 61st day before the
 24 general election to be held during that term of office;

25 (c) The vacancy occurs in the office of a state Senator before the 61st day before the first gen-
 26 eral election to be held during that term of office;

27 (d) The vacancy occurs in the office of a state Senator at any time after the 62nd day before the
 28 first general election and before the 61st day before the second general election to be held during
 29 that term of office; or

30 (e) A special session of the Legislative Assembly will be convened before a successor to the of-
 31 fice can be elected and qualified.

32 (2) The person appointed under the provisions of subsection (1) of this section shall be a citizen
 33 qualified to hold the office, an elector of the affected legislative district and a member of the same
 34 political party for at least 180 days before the date on which the vacancy occurred. The political
 35 affiliation of a person appointed under subsection (1) of this section shall be determined under ORS
 36 236.100. The appointment shall be made by the county courts or boards of county commissioners of
 37 the affected counties pursuant to ORS 171.060 to 171.064. *[When the provisions of ORS 171.060 (1)*
 38 *are applicable, the appointment shall be made from a list of not fewer than three nor more than five*
 39 *nominees who have signed written statements indicating that they are willing to serve furnished by the*
 40 *Secretary of State. If fewer than three names of nominees are furnished, a list shall not be considered*
 41 *to have been submitted and the county courts or boards of county commissioners shall fill the*
 42 *vacancy.]* The vacancy must be filled by appointment within 30 days after its occurrence or not later
 43 than the time set for the convening of the special session described in subsection (1)(e) of this sec-
 44 tion when that is the basis for filling the vacancy.

45 (3) If the appointing authority required by this section to fill the vacancy does not do so within

1 the time allowed, the Governor shall fill the vacancy by appointment within 10 days.

2 (4) Notwithstanding any appointment under the provisions of subsection (1)(c) of this section,
3 when a vacancy occurs in the office of a state Senator before the 61st day before the first general
4 election to be held during that term of office, the remaining two years of the term of office shall
5 be filled by the electors of the affected legislative district at the first general election.

6 (5) Candidates for the remaining two years of the term of office of a state Senator under sub-
7 section (4) of this section shall be nominated as provided in ORS chapter 249, *[except as follows:]*

8 *[(a) A major political party, minor political party, assembly of electors or individual electors may*
9 *select a nominee for any vacancy occurring before the 61st day before the first general election; and]*

10 *[(b) The Secretary of State shall accept certificates of nomination and notifications of nominees se-*
11 *lected by party rule and filed with the secretary] **except that the Secretary of State shall accept***
12 **nominating petitions or declarations of candidacy** pursuant to a schedule for filing set by the
13 Secretary of State but in any case not later than the 62nd day before the first general election.

14 (6) The remaining two years of the term of office of a state Senator under subsection (4) of this
15 section will commence on the second Monday in January following the general election. Any ap-
16 pointment under the provisions of subsection (1)(c) of this section shall expire when a successor to
17 the office is elected and qualified.

18 **SECTION 10.** ORS 171.060 is amended to read:

19 171.060. *[(1) When any vacancy as is mentioned in ORS 171.051 exists in the office of Senator or*
20 *Representative affiliated with a major political party and that vacancy is to be filled by an appointing*
21 *authority as provided in ORS 171.051, the Secretary of State forthwith shall notify the person desig-*
22 *nated by the party to receive such notice. The party shall pursuant to party rule nominate not fewer*
23 *than three nor more than five qualified persons to fill the vacancy. The nominating procedure shall*
24 *reflect the principle of one-person, one-vote to accord voting weight in proportion to the number of party*
25 *members represented. At the request of a party making a nomination, the county clerks of each county*
26 *constituting the district in which the vacancy exists shall assist the party in determining the number*
27 *of electors registered as members of the party in the district. A person shall not be nominated to fill*
28 *the vacancy unless the person signs a written statement indicating that the person is willing to serve*
29 *in the office of Senator or Representative. As soon as the nominees have been appointed, but no later*
30 *than 20 days after the vacancy occurs, the party shall notify the Secretary of State of the persons*
31 *nominated. The notification shall be accompanied by the signed written statement of each nominee in-*
32 *dicating that the nominee is willing to serve in the office of Senator or Representative. The Secretary*
33 *of State shall notify the county courts or boards of county commissioners of the counties constituting*
34 *the district in which the vacancy exists of the nominees and of the number of votes apportioned to each*
35 *member of the county courts or boards of county commissioners under ORS 171.062 and 171.064. The*
36 *Secretary of State shall set a time for the meeting of the county courts or boards of county commis-*
37 *sioners in order to fill the vacancy and by rule shall establish procedures for the conduct of the meet-*
38 *ing. If the district is composed of more than one county, the Secretary of State shall name a temporary*
39 *chairperson and designate a meeting place within the district where the county courts or boards of*
40 *county commissioners shall convene for the purpose of filling the vacancy, pursuant to ORS 171.051*
41 *(2).]*

42 *[(2)] (1) When any vacancy **described** [as is mentioned] in ORS 171.051 exists in the office of*
43 **state** Senator or **state** Representative *[not affiliated with a major political party]* and that vacancy
44 is to be filled by an appointing authority as provided in ORS 171.051, the Secretary of State forth-
45 with shall notify the county courts or boards of county commissioners of the counties constituting

1 the district in which the vacancy occurs of the vacancy and of the number of votes apportioned to
 2 each member of the county courts or boards of county commissioners under ORS 171.062 and
 3 171.064. The Secretary of State shall set a time for a meeting of the county courts or boards of
 4 county commissioners and by rule shall establish procedures for the conduct of the meeting. If the
 5 district is composed of more than one county, the Secretary of State shall name a temporary chair-
 6 person and designate a meeting place within the district where the county courts or boards of
 7 county commissioners shall convene for the purpose of appointing a person to fill the vacancy.

8 [(3)] (2) A written statement signed by a majority of those qualified to vote upon the filling of
 9 any vacancy naming the person selected to fill the vacancy and directed to the Secretary of State
 10 is conclusive evidence of the filling of the vacancy by the appointing authority named therein.

11 **SECTION 11.** ORS 171.068 is amended to read:

12 171.068. (1) For purposes of ORS 171.060, 171.062 and 171.064, the county court or the board of
 13 county commissioners [*which shall*] **that must** fill the vacancy in the Legislative Assembly in a
 14 district created by reapportionment shall be the county court or board of county commissioners of
 15 each county any part of which is in the district that is created by the reapportionment and includes
 16 the residence from which the former **state** Senator or **state** Representative was elected.

17 [(2) *Each person nominated by a major political party to fill a vacancy in the Legislative Assembly*
 18 *occurring as described by ORS 171.051 in a district created by reapportionment must be registered to*
 19 *vote in the district from which the former Senator or Representative was elected and must have been*
 20 *a member of the same major political party at least 180 days before the date the vacancy to be filled*
 21 *occurred.*]

22 [(3)] (2) This section [*shall apply*] **applies** only to a vacancy in the Legislative Assembly occur-
 23 ring after the primary election next following reapportionment and before a person has been elected
 24 and qualified to fill the vacancy.

25 **SECTION 12.** ORS 137.658 is amended to read:

26 137.658. (1) The chairperson of the Oregon Criminal Justice Commission may create any com-
 27 mittees within the commission as the chairperson may think necessary. Persons who are not com-
 28 mission members may be appointed as members to serve on the committees with the approval of the
 29 commission.

30 (2) The chairperson shall appoint members of committees created under this section in such a
 31 manner as to ensure representation from all segments of the criminal justice system that are af-
 32 fected by the work of the committee. In selecting members for committee assignments, the chair-
 33 person shall consider, but is not limited to, representatives from the following:

- 34 (a) The Attorney General;
- 35 (b) The Director of the Department of Corrections;
- 36 (c) The chairperson of the State Board of Parole and Post-Prison Supervision;
- 37 (d) The Superintendent of State Police;
- 38 (e) The chief administrative employee of the Psychiatric Security Review Board;
- 39 (f) The Director of Human Services;
- 40 (g) The Director of the Oregon Youth Authority;
- 41 (h) Trial judges;
- 42 (i) Judges of the Oregon Supreme Court or Court of Appeals;
- 43 (j) [*Majority and minority parties of*] The House of Representatives and the Senate;
- 44 (k) District attorneys;
- 45 (L) Criminal defense attorneys;

1 (m) County sheriffs;

2 (n) County commissioners;

3 (o) County community corrections directors;

4 (p) Chiefs of police;

5 (q) Victims of crime;

6 (r) The public at large;

7 (s) The director of a nonprofit entity created for the purpose of increasing understanding of the
8 adult and juvenile justice systems and promotion of effective policies for prevention and control of
9 crime; and

10 (t) Private contract providers.

11 **SECTION 13.** ORS 244.250 is amended to read:

12 244.250. (1) The Oregon Government Standards and Practices Commission is established, con-
13 sisting of seven members appointed in the following manner to be confirmed by the Senate:

14 (a) Four members appointed by the Governor from among persons recommended, [*one*] **two** each
15 by the leadership of [*the Democratic and Republican parties in*] each house of the Legislative As-
16 sembly. If a person recommended [*by the leadership of the Democratic or Republican party*] **under**
17 **this paragraph** is not approved by the Governor, another person shall be recommended.

18 (b) Three members appointed by the Governor without leadership recommendation, no more than
19 two of whom shall be from the same major political party.

20 (2) [*No*] **A** person who holds any public office listed in ORS 244.050 (1) except as a member of
21 the commission [*shall*] **may not** be appointed to the commission. No more than four members shall
22 be members of the same political party.

23 (3) The term of office is four years. [*No*] **A** member [*shall be*] **is not** eligible to be appointed to
24 more than one full term but may serve out an unexpired term. However, those members first ap-
25 pointed to the commission serving less than a three-year term are eligible for a second appointment
26 for a full term. Vacancies shall be filled by the appointing authority for the unexpired term.

27 (4) The commission shall elect a chairperson and vice chairperson for such terms and duties as
28 the commission may require.

29 (5) A quorum consists of four members but no final decision may be made without an affirmative
30 vote of the majority of the members appointed to the commission.

31 (6) Members shall be entitled to compensation and expenses as provided in ORS 292.495.

32 (7) The commission may retain or appoint qualified legal counsel who shall be a member of the
33 Oregon State Bar and who shall be responsible to the commission. The appointment of legal counsel
34 under this subsection shall be made only when the commission finds it is inappropriate and contrary
35 to the public interest for the office of the Attorney General to represent concurrently more than
36 one public official or agency in any matter before the commission because such representation would
37 create or tend to create a conflict of interest and is not subject to ORS 180.230 or 180.235.

38 (8) The Attorney General shall not represent before the commission any state public official who
39 is the subject of any complaint or action of the commission at the commission's own instigation.

40 **SECTION 14.** ORS 442.035 is amended to read:

41 442.035. (1) The Oregon Health Policy Commission is established to serve as the policy-making
42 body responsible for health policy and planning for the state.

43 (2) The members of the commission shall be residents of the State of Oregon and shall be ap-
44 pointed by the Governor, subject to the following:

45 (a) The commission shall have 10 public members and shall include at least one member from

1 each congressional district of the state.

2 (b) The membership of the commission shall broadly represent the geographic, social, economic,
3 occupational, linguistic and racial population of the state and shall include individuals who repre-
4 sent Oregon's rural and urban medically underserved populations.

5 (c) The commission shall have a majority of members who are not direct providers of health care
6 and shall include individuals who represent Oregon's rural and urban medically underserved popu-
7 lations.

8 (d) The commission shall have at least one member who is a physician licensed to practice in
9 this state. For the purposes of this paragraph, "physician" has the meaning given that term in ORS
10 677.010.

11 (e) Members shall be appointed to three-year terms.

12 (f) A member may not serve more than two consecutive terms.

13 (3) Voting members of the commission shall serve at the Governor's pleasure.

14 (4) Voting members shall select a chairperson and a vice chairperson from among themselves.

15 (5) The commission shall meet at least quarterly.

16 (6) Members are entitled to compensation and expenses as provided in ORS 292.495.

17 (7) Vacancies of voting members on the commission shall be filled by appointments of the Gov-
18 ernor for the unexpired term.

19 (8) In addition to the members appointed to the commission under subsection (2) of this section:

20 (a) The President of the Senate[, *in consultation with leadership from the minority party,*] shall
21 appoint two members of the Senate to the commission[, *one from the majority party and one from the*
22 *minority party, who*]. **The Senate members of the commission** shall be nonvoting, advisory mem-
23 bers.[: *and*]

24 (b) The Speaker of the House of Representatives[, *in consultation with leadership from the mi-*
25 *nority party,*] shall appoint two members of the House of Representatives to the commission[, *one*
26 *from the majority party and one from the minority party, who*]. **The House members of the com-**
27 **mission** shall be nonvoting, advisory members.

28 **SECTION 15.** Section 2, chapter 542, Oregon Laws 2003, is amended to read:

29 **Sec. 2.** (1) If the Secretary of State determines that a vacancy exists in the nomination of a
30 candidate [*of a major political party*] for state office, that the vacancy is due to the death of the
31 candidate and that the vacancy occurred after the 30th day before the date of the general election:

32 (a) The election for that state office may not be held at the general election;

33 (b) The county clerks may not count ballots cast for candidates for that state office at the
34 general election; and

35 (c) The Secretary of State shall order a special election as provided in section 3, **chapter 542,**
36 **Oregon Laws 2003** [*of this 2003 Act*].

37 (2) The candidates listed on the ballot at the special election shall be:

38 (a) The candidates who were listed on the general election ballot, other than the candidate
39 whose nomination became vacant; and

40 (b) The candidate selected to fill the vacancy in the nomination as provided in ORS [*249.190*
41 *or*] 249.205.

42 (3) As used in this section "state office" means the office of Governor, Secretary of State, State
43 Treasurer, Attorney General, state Senator or state Representative.

44 **SECTION 16.** (1) **The amendments to ORS 137.658, 171.051, 171.060, 171.068, 244.250,**
45 **249.002, 249.068, 249.072, 249.088, 249.200, 254.005, 254.056, 254.365 and 442.035 and section 2,**

1 **chapter 542, Oregon Laws 2003, by sections 1 to 15 of this 2005 Act apply only to nominations**
2 **for, and appointments and elections to, public office occurring on or after the effective date**
3 **of this 2005 Act. A certificate of nomination, nominating petition or declaration of candidacy**
4 **for the office of Governor, Secretary of State, State Treasurer, Attorney General, state**
5 **Senator or state Representative filed before the effective date of this 2005 Act for an election**
6 **to be conducted on or after the effective date of this 2005 Act shall be considered to have**
7 **been filed for a nonpartisan office.**

8 (2) **Nothing in the amendments to ORS 137.658, 171.051, 171.060, 171.068, 244.250, 249.002,**
9 **249.072, 249.088, 254.005, 254.365 and 442.035 by sections 1, 2, 4 and 7 to 14 of this 2005 Act is**
10 **intended to require a change in the composition of any committee or commission described**
11 **in ORS 137.658, 244.250 or 442.035 as amended by sections 12 to 14 of this 2005 Act.**

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