

## CHAPTER 86

AN ACT

SB 1567

Relating to method major political parties use to nominate candidates to fill vacancies; creating new provisions; amending ORS 171.051 and 249.215; and declaring an emergency.

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

**SECTION 1.** ORS 171.051 is amended to read:

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

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

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

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

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

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

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

(3) If the appointing authority required by this section to fill the vacancy does not do so within the time allowed, the Governor shall fill the vacancy by appointment within 10 days.

(4) Notwithstanding any appointment under the provisions of subsection (1)(c) of this section, when a vacancy occurs in the office of a state Senator 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 office shall be filled by the electors of the affected legislative district at the first general election.

(5) Candidates for the remaining two years of the term of office of a state Senator under subsection (4) of this section shall be nominated as provided in ORS chapter 249, **with major political parties following the procedure set forth in ORS 249.200**, except as follows:

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

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

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

**SECTION 2.** ORS 249.215 is amended to read:

249.215. (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, **with major political parties following the procedure set forth in ORS 249.200**, 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 and Commissioner of the Bureau of Labor and Industries.

**SECTION 3.** The amendments to ORS 171.051 and 249.215 by sections 1 and 2 of this 2018 Act apply to the filling of any vacancy that occurs on or after the effective date of this 2018 Act.

**SECTION 4.** This 2018 Act being necessary for the immediate preservation of the public

**peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect on its passage.**

Approved by the Governor April 3, 2018

Filed in the office of Secretary of State April 3, 2018

Effective date April 3, 2018  
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