

Chapter 248

Political Parties; Presidential Electors

POLITICAL PARTIES

- 248.010 Political party defined; use of party name
- 248.020 Declaration of candidacy and election of precinct committeemen
- 248.030 Precinct committeemen to constitute county and city central committees; vacancies in city central committee filled by county central committee
- 248.040 Certificates of election issued to county central committeemen on qualifying; filling vacancies; furnishing lists of elected committeemen to party secretaries
- 248.050 Term of office for committeemen; power of committees to make rules for government of parties; filling vacancies in county central committee
- 248.060 First meeting of county central committee; appointment of committeemen if none are elected
- 248.070 Organization and function of county central committees; election of congressional and district committeemen and officers; filling vacancies
- 248.080 Organization and first meeting of the state central committee; quorum required for transaction of business
- 248.090 Organization, membership and quorum of congressional committees
- 248.100 Notice of committee meetings required
- 248.110 Committees authorized to fill vacancies occurring among nominees
- 248.120 Filling vacancy in nomination for congressman
- 248.130 Filling vacancy in nomination for state office; meeting of district nominating committeemen
- 248.140 Filling vacancy in nomination for state office in a district comprising only one county
- 248.150 General powers of party central committees; assessment of nominees
- 248.160 Nomination and election of national committeeman and committeewoman

DELEGATES TO NATIONAL CONVENTIONS; PRESIDENTIAL ELECTORS

- 248.310 Election of delegates to national conventions and nomination of presidential electors; expressing choice for candidates for President and Vice President of the United States
- 248.320 Election of delegates to national conventions
- 248.330 Voters express preference for delegates; election by plurality vote
- 248.340 Voters express preference for presidential electors from the state at large
- 248.350 How names of delegates and presidential electors are placed on ballot
- 248.360 Election time and number of presidential electors to be elected
- 248.370 Electors convene, fill vacancies and perform duties
- 248.380 Electors' compensation and traveling expenses

CROSS REFERENCES

- Corrupt practices and election offenses, Ch. 260
- Persons holding county offices under civil service are not to coerce or be coerced for political purposes, 241.515
- Persons holding state offices under civil service, restrictions on political activities, 240.705
- Political committees to keep accounts and records, 260.070
- Procedure for nomination of candidates by political party, assembly of electors or individual electors not subject to the primary election law, 249.710
- 248.010**
- Procedure for nomination of candidates by political party, assembly of electors and individual electors not subject to the primary election law, 249.710
- 248.090**
- Establishment of congressional districts and defining their areas, 250.290
- 248.110**
- Filling vacancy caused by death or withdrawal of a candidate not nominated under primary election law, 249.840
- Filling vacancy, occurring after printing of ballots but before the general election, caused by death, withdrawal or removal of candidate not nominated under primary election laws, 250.170
- Nomination by political party committees to fill vacancies in nominations or in offices, 249.120, 249.520
- 248.160**
- Declarations and pledge of national committeemen, 249.250
- 248.310**
- Candidates for delegate to national conventions or presidential elector entitled to space in primary campaign pamphlet, 255.090

Declaration and pledge of presidential electors,

249.210, 249.240

Presidential electors appointed in the manner directed by the state legislatures, U. S. Const. Art. II, § 1

248.320

Declaration by candidates for delegate to national conventions, 249.210, 249.230

248.370

Convening of presidential electors and their duties, U. S. Const. Amendment XII

Presidential electors and the time they will vote, U. S. Const. Art. II, § 1

248.380

Travel allowance for state officers, 292.250

POLITICAL PARTIES

248.010 Political party defined; use of party name. A political party, as the term is used in this chapter, is an affiliation of electors representing a political party or organization which polled for its candidates for presidential electors, at the last general election, at least 20 percent of the entire vote cast for that office. Every political party and its regularly nominated candidates, members and officers shall have the exclusive right to use of the whole party name or any part of it. No candidate shall use any word of the name of a political party or organization other than the one by which he is nominated. No independent or nonpartisan candidate shall use any word of the name of any existing political party or organization in his candidacy. He shall use only the name "Independent" or "Nonpartisan."

248.020 Declarations of candidacy and election of precinct committeemen. Every political party subject to ORS 249.010 shall elect at the regular general primary election, two committeemen of opposite sex for each election precinct. They shall be residents of the precinct. Candidates for precinct committeeman shall file their declarations of candidacy substantially in the form indicated in ORS 249.220. This shall be done not later than the seventieth day prior to the regular general primary election. No fee shall be charged for filing. The county clerk shall notify, by mail, each committeeman of his election. This shall be done within 30 days following his election. The notice shall state how the committeeman shall qualify.

248.030 Precinct committeemen to constitute county and city central committees; vacancies in city central committee filled by county central committee. The committeemen elected shall be the representatives of the political parties choosing them in and for the precincts of the county and in all ward or subdivision committees or other committees of precinct committeemen that may be formed. These committeemen shall constitute the county central committee of their political parties. Those committeemen residing within the limits of an incorporated city shall constitute, ex officio, the city central committee of their political parties. They shall have the same powers and jurisdiction as to the business of their parties in city matters as the county central committee has in county political matters. However, the

power to fill vacancies in the city central committee is vested with the county central committee.

248.040 Certificates of election issued to county central committeemen on qualifying; filling vacancies; furnishing lists of elected committeemen to party secretaries. (1) Certificates of election shall be issued by the county clerk and countersigned by the respective chairmen of the county central committees immediately following the first meeting of the newly elected county central committees. These shall be issued to all committeemen who have qualified as members of the committees.

(2) Every person elected as a county central committeeman shall qualify by accepting his election in writing. He shall do this at or before the time of the first meeting of the newly elected committee and shall file the acceptance with the county clerk.

(3) The county central committee may, by majority vote of those present at its first meeting, declare a vacancy to exist in the office of any person elected who fails to qualify as provided in this section. Vacancies shall be filled in the manner provided in ORS 248.050. Upon filling a vacancy a certificate of election shall be issued to the committeeman selected.

(4) The county clerk shall furnish to the secretaries of the respective retiring county central committees and to the secretaries of the respective state central committees, within 30 days following the election, a complete list of all committeemen elected.

248.050 Term of office for committeemen; power of committees to make rules for government of parties; filling vacancies in county central committee. Each committeeman shall hold his position for two years from the date of the first meeting of the county central committee following his election. In case of a vacancy in the representation from any precinct occurring because of death, resignation or otherwise, the remaining members of the county central committee may select a committeeman to fill the vacancy. The person selected shall be a resident of the precinct in which the vacancy occurred. The county and city central committees shall have power to make rules and regulations, not inconsistent with law, for the government of their political parties in the county and city. They shall have power to elect the county members of the congressional committee and of the district commit-

tees. These committees shall have the power to make rules in their jurisdiction, the same as the county central committee.

248.060 First meeting of county central committee; appointment of committeemen if none are elected. The first meeting of the newly elected county central committee shall be held within 45 days after its election. The time and place shall be designated by the secretary of the retiring committee. The secretary of the retiring committee shall mail notice of the meeting to each committeeman at least six days before the meeting. If the new committee fails to meet and organize as provided in this section and ORS 248.070, the chairman of the state central committee shall appoint, from the newly elected precinct committeemen, a temporary chairman. The temporary chairman shall call a meeting and organize the county committee. If the electors of a party fail to elect any precinct committeemen, the temporary chairman shall appoint them. The appointees shall be persons who are residents of the precinct and who are registered voters of their party.

248.070 Organization and function of county central committees; election of congressional and district committeemen and officers; filling vacancies. (1) The officers of the retiring county central committee shall preside until their successors are elected, but in the organization, election of officers and transaction of business in all committee deliberations only elected precinct committeemen shall be permitted to participate. Proxies shall in no instance be permitted to participate.

(2) The committees shall organize by electing a chairman and a vice chairman who shall be of opposite sex, a secretary and a treasurer; two congressional committeemen, who shall be of opposite sex, and five district nominating committeemen from among their own membership, two alternates to the state central committee, who shall be of opposite sex, and managing or executive committees, and authorize such subcommittees to exercise all powers conferred on the county, state or congressional committees, respectively. In case of a vacancy in any of the elective offices above named, occurring because of death, resignation or otherwise, the remaining members of the county central committee shall select from among their own membership a successor to the office.

248.080 Organization and first meeting of the state central committee; quorum required for transaction of business. (1) The state central committee shall consist of the chairman and vice chairman of the county central committee in each county. In the event either the chairman or vice chairman of a county central committee is unable to attend any regularly called meeting of the state central committee his or her place shall be filled by an alternate of the same sex. The alternates shall be elected as provided in ORS 248.070. Within 30 days after the organization of the county central committees the state central committee shall be called by the chairman. He shall give notice to all members of the committee as provided in ORS 248.100. A copy of the notice shall be filed with the Secretary of State. If the chairman of the retiring state central committee fails to call the initial meeting of the new state central committee within the time prescribed by this section, the meeting may be called by a petition signed by the chairmen of the county central committees of at least one-half of all the counties. The petition shall set forth the date and place of the meeting. A copy of the petition shall be mailed to each member of the new state central committee at least six days before the meeting. A copy of the petition shall be filed with the Secretary of State.

(2) The state central committee shall organize by the election of:

(a) A chairman and a vice chairman who shall be of opposite sex.

(b) A secretary and a treasurer.

(c) Other officers as the committee deems necessary.

They need not be members of the state committee or of any county central committee. The state committee or its chairman shall select from the members the subcommittees necessary and convenient in carrying out its business.

(3) The elected and qualified state central committeemen from a majority of the counties shall constitute a quorum. When a quorum is present, written or telegraph proxies of absent members may be used in balloting on business before the committee.

248.090 Organization, membership and quorum of congressional committees. The congressional committees shall consist of the county congressional committeemen of all the counties within the congressional district. In districts comprising only one county

the congressional committee shall consist of the county central committee. When the county congressional committeemen have been elected they may, prior to the transaction of any business, organize by electing a chairman and appointing a secretary. These officers do not have to be members of the committee. The committee shall meet at the call of the state chairman upon written notice to each member of the committee not less than 10 days before the meeting. A majority of the elected committeemen shall constitute a quorum for the transaction of any business. When a quorum is present any absent member may vote by proxy upon any matter.

248.100 Notice of committee meetings required. It shall be the duty of the officers of the county central committee, and of all subordinate committee organizations, city, state and congressional committees, to notify the entire membership of their committees, by mail, at least six days before the date of any anticipated meeting. Failure to give notice as provided in this section shall invalidate the business of the meeting.

248.110 Committees authorized to fill vacancies occurring among nominees. The state, congressional, county and city central committees shall have the power to fill any vacancies occurring among the candidates of their respective parties nominated by the primary election for city, county, congressional or state office, members of the legislature or United States Senator. Whenever a nominee of any political party for the office of United States Senator resigns, dies or otherwise is disqualified from remaining a candidate for the office, the vacancy created shall be filled by the state central committee in the manner provided in ORS 248.130.

248.120 Filling vacancy in nomination for congressman. Whenever a nominee of any political party for the office of congressman resigns, dies or otherwise is disqualified from remaining a candidate, or whenever a vacancy occurs in the office of congressman and the Governor has ordered a special election to fill it, the congressional committee shall nominate as provided in this section. The congressional committee provided for in ORS 248.090 shall meet at the call of the state chairman and the person receiving the majority of the votes of the committee at such meeting shall be declared the nominee of the party from that district. The chair-

man and secretary shall certify the committee's action to the Secretary of State who shall place the name of the nominee upon the ballot the same as though nominated under any other law.

248.130 Filling vacancy in nomination for state office; meeting of district nominating committeemen. When a nominee for any state office in a district embracing more than one county dies, resigns or moves from the district subsequent to the primary election, the vacancy shall be filled as provided in this section. The district nominating committeemen, as provided in this chapter, shall meet at the direction of the state chairman. The state chairman shall select a time and place for the meeting and shall designate a temporary chairman. Upon meeting, the committee members shall organize by electing a permanent chairman and secretary. At this meeting all the members shall vote and any person receiving a majority of the votes shall be declared the nominee for the office. The chairman and secretary shall certify the committee's action to the Secretary of State who shall place the name of the nominee upon the ballot the same as though nominated under any other law.

248.140 Filling vacancy in nomination for state office in a district comprising only one county. When a vacancy occurs in the nomination for any state office in a district comprising only one county the county central committee provided for in this chapter shall fill the vacancy. The state chairman shall direct the county chairman of the county affected to call a meeting and, when organized for the transaction of other business, the committee shall have power to fill any vacancy for state offices in the same manner as provided for filling vacancies in county offices.

248.150 General powers of party central committees; assessment of nominees. The county, state and city central committee of each party coming under the provisions of this chapter is the highest party authority and may make proper rules, regulations and resolutions for all matters of party government which are not controlled by this chapter or other laws of the state. The county committee shall have power, by resolution of the committee or its managing or executive committee, to levy upon and collect from the nominees of its party within the county an assessment for the purpose of paying ex-

penses of organizing the committee, the expenditures to be incurred in the management of party matters and the promotion of party success in the ensuing campaign. The assessment shall not exceed an amount equal to one percent of the total emolument for the term of office for which the nominee assessed is a candidate. In no case need the assessment be less than \$10.

248.160 Nomination and election of national committeeman and committeewoman.

(1) A political party, within the meaning of ORS 248.010 shall elect its national committeeman and its national committeewoman as provided in this section.

(2) This shall be done at the general primary election held every four years, commencing in 1956. Candidates for the offices shall file their nominating petitions or declarations with the Secretary of State as required by candidates for state offices. Every petition shall be signed by at least 200 qualified voters of the political party of the candidate. The names of all candidates shall be printed on the primary election ballots of the political parties of which they are candidates. The candidate for national committeeman and the candidate for national committeewoman who receive the highest number of votes shall be elected. The persons elected shall hold office until a successor is elected. In case of a vacancy it shall be filled for the unexpired term by the state central committee of the party concerned. Existing provisions of law relating to elections apply to the election of national committeemen and national committeewomen.

248.170 to 248.300 [Reserved for expansion]

DELEGATES TO NATIONAL CONVENTIONS; PRESIDENTIAL ELECTORS

248.310 Election of delegates to national conventions and nomination of presidential electors; expressing choice for candidates for President and Vice President of the United States. In the years when a President and Vice President of the United States are to be nominated and elected, the political parties shall elect delegates to their national conventions and nominate their candidates for presidential electors. They may also express their choice for candidates for the nominations for President and for Vice President of the United States in the manner provided in ORS 249.600.

248.320 Election of delegates to national conventions. As soon as possible after the national committees of the political parties issue their official calls for national nominating conventions, the Secretary of State shall ascertain from the proper officials of the committees the number of delegates allotted to the State of Oregon. Of the number of delegates allotted, two shall be elected from each congressional district and the remainder from the state at large. In the arrangement of the official ballots for the primary election of each party, the Secretary of State shall provide for the election of two delegates from each congressional district and the remainder from the state at large.

248.330 Voters express preference for delegates; election by plurality vote. Every qualified elector of a political party, within the meaning of this chapter, may vote his preference on the nominating ballot of his party for two delegates from the congressional district in which he resides and for as many delegates as are to be elected at large. A plurality vote shall be sufficient to elect a delegate to any national convention; provided, the allotted number of candidates receiving the highest number of votes shall be chosen in each congressional district and in the state at large.

248.340 Voters express preference for presidential electors from the state at large. In the years when a President and Vice President of the United States are to be nominated and elected, every qualified elector of a political party recognized by this chapter shall have an opportunity to vote his preference for the full quota of presidential electors. They shall be nominated at the same time delegates to party national conventions are elected. Each political party shall be entitled to nominate, from the state at large, a number of candidates equal to the number of votes which this state has in the electoral college. Every elector of the party has the right to vote his preference for that number of candidates.

248.350 How names of delegates and presidential electors are placed on ballot. Candidates for the office of delegate to a national convention or for nomination for the office of presidential elector may have their names placed on the official ballots for the primary election of their party in the same manner as candidates for nomination for other state and district offices. When-

ever a nominating petition is a prerequisite for the appearance of a candidate's name on the ballot of his party, existing laws providing the manner in which the names of candidates for nomination for state and district offices may be printed on the ballots shall govern, except that not more than 500 signatures shall be required on such a petition.

248.360 Election time and number of presidential electors to be elected. On the Tuesday next following the first Monday in November 1956, and every four years thereafter, the qualified 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.

248.370 Electors convene, fill vacancies and perform duties. The electors of President and Vice President shall convene at noon at the state capital on the first Monday after

the second Wednesday in December next following their election. If there is any vacancy in the office of an elector occasioned by death, refusal to act, neglect to attend or otherwise, the electors present shall immediately fill it by viva voce and plurality of votes. When all the electors have appeared or the vacancies have been filled, the electors shall then perform the duties required of them by the Constitution and laws of the United States.

248.380 Electors' compensation and traveling expenses. Every elector who attends at the time and place appointed and votes for President and Vice President shall be entitled to receive from this state \$3 for each day's attendance at the election and \$3 for every twenty miles' travel in going to and returning from the meeting, on the usually traveled route.

