Chapter 252

1961 REPLACEMENT PART

(1963 reprint)

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JUDGES

252.010 Exclusive procedure for nomination and election of judges. Candidates for the offices of judge of the Supreme, circuit and district courts and the Oregon Tax Court, shall be nominated and voted for at primary and general elections as provided in ORS 252 010 to 252 080, and not otherwise.
[Amended by 1961 c 533 §36]

252.020 Nomination by petition or by declaration. Names of all candidates for the offices of judge of the courts enumerated in ORS 252 010 shall be presented for nomination by individual nominating petitions or by declaration of candidacy and payment of the fees as provided by law, subject, however, to the restrictions and provisions of ORS 252.010 to 252.080
[Amended by 1961 c 533 §37]

252.030 Contents of nominating petitions and declarations of candidacy. Petitions filed by or on behalf of or declarations of candidacy made by candidates for nomination to the offices of judge of the courts enumerated in ORS 252 010 at the primary election shall contain no reference to any political party ballot or to the political party affiliation of any candidate Nothing shall be attached to or contained in a petition or declaration of candidacy other than the name of the county in which the candidate resides, a statement, not exceeding 10 words, of his qualifications and experience, and a declaration by the candidate that, if nominated and elected, he will qualify for the office
[Amended by 1957 c 311 §1; 1961 c 533 §38]

252.035 Special provisions for Tax Court judge. Notwithstanding ORS 252 030, 252.050, 252 060 and any other provision of law, no nominating petition, declaration of candidacy or certificate of nomination of a candidate for the office of judge of the Oregon Tax Court shall have attached or contain any statement of his qualifications and experience; but if such candidate is the regularly elected or appointed judge of the Oregon Tax Court, his nominating petition, declaration of candidacy or certificate of nomination may have attached to or contain the word "incumbent" If the word "incumbent" was included in his nominating petition, declaration of candidacy or certificate of nomination, such word shall be placed on the ballot after the name of a candidate who is the regularly elected or appointed judge of the Oregon Tax Court.
[1961 c 533 §39b]

252.040 Cases in which candidate is considered nominee without his name appearing on primary ballot. When a petition is filed by or on behalf of or a declaration of candidacy is made by only one person as a candidate for nomination to the office of one of the courts enumerated in ORS 252.010, and when there is but one vacancy to be filled, the name of such person shall not be placed upon the primary ballot but he shall be the nominee for the office. When there are two or more vacancies to be filled for judge of the circuit court in a judicial district having more than one circuit judge, and not divided into departments or positions, and a petition is filed by or on behalf of or declaration of candidacy made by only one person as a candidate for nomination for a single vacancy or position on the court, the name of such person shall not be placed upon the primary ballot but he shall be declared the nominee for the respective vacancy or position. In judicial districts having two or more circuit judges who are elected at the same election from two or more counties, when a petition is filed by or on behalf of or a declaration of candidacy made by only one candidate for nomination from any one county and when the number of candidates from all counties does not exceed the number of vacancies to be filled, the names of such persons shall not be placed on the primary ballot, but they shall be declared to be the nominees for the offices.

252.050 Judiciary ballot for primary elections. (1) At all primary elections at which candidates for judge of any of the courts enumerated in ORS 252.010 are to be nominated, and where two or more petitions or declarations of candidacy for nomination for candidate for judge of any of the courts have been filed, the county clerks shall prepare and furnish a ballot entitled "Judiciary Ballot." On such ballot shall be placed the names of the candidates for the office, without any political party designation and arranged according to positions or departments, if any. If such statement was included in his petition or declaration of candidacy, a statement, not exceeding 10 words, of his qualifications and experience shall be placed on the ballot after the name of each candidate.

(2) In districts where circuit judges are elected at large and not for departments or positions, each voter shall have the right to vote for as many candidates as there are vacancies to be filled.

(3) A ballot shall be delivered to each registered elector desiring to vote, regardless of his political party affiliation. The two candidates receiving the highest number of votes as nominees for judge of any of the courts shall be declared the nominees, whose names shall appear on the ballot at the general election. However, when two or more vacancies in the membership of any of the courts are to be filled and where the officers are divided into positions or departments, the number of nominees shall not exceed two for any one judgeship, position or vacancy and shall be:

(a) First, those candidates nominated under the provisions of ORS 252.040; and

(b) Second, those two candidates receiving the greatest number of votes at the primary election.

(4) When any candidate receives a majority of all votes cast for the office for which he is a candidate at the primary election, the name of that candidate shall be printed separately on the ballot at the general election under the designation "Vote for one"; and the name of no opposing candidate shall be printed on the ballot in opposition to such candidate. One space, however, shall be left following such name in which the voter may insert the name of any person for whom he wishes to cast his ballot.

[Amended by 1957 c 311 §2]

252.060 Filling vacancies. If a candidate nominated under the provisions of ORS 252.020 to 252.050 dies, withdraws or becomes ineligible, or if a vacancy occurs by death, resignation or otherwise in the office of judge of any of the courts enumerated in ORS 252.010 on or after the day set for holding primary elections, or if a vacancy occurs before the primary election but within such time that a candidate for the vacancy could not be nominated at the election, candidates for such judicial office shall be nominated in the manner provided for the nomination of independent candidates. The certificate of nomination of any such candidate may contain a statement, not exceeding 10 words, of his qualifications and experience. It shall not contain the word "independent." The name of any candidate so nominated, who has filed his acceptance of nomination, shall be placed upon the ballot at the general election in the same manner as the names of candidates nominated under ORS 252.050. If such statement was included in his certificate of nomination, a statement, not exceeding 10 words, of his qualifications and experience shall be placed on the ballot after the name of the candidate

[Amended by 1957 c 311 §3, 1961 c 533 §39]

252.070 Judiciary ballot for general elections. (1) At the general election the county clerks shall prepare and furnish a ballot entitled "Judiciary Ballot." On such ballot shall be printed the names of all candidates who have been nominated in any manner provided in ORS 252.010 to 252 080, as follows:

(a) Candidates for Judge of the Supreme Court.

(b) Candidates for Judge of the Oregon Tax Court.

(c) Candidates for judges of the circuit court of the judicial district of which that particular county is a part, either at large or for each separate department.

(d) Candidates for the office of district judge of that county for each department to be filled

(2) The names shall be printed upon the ballot without any party designation. The ballot shall be in the same form as the primary ballot provided for in ORS 252.050, and may be printed upon the same sheet as the general ballot used at the election.

[Amended by 1957 c 311 §4, 1961 c 533 §40]

252.080 Applicability of election laws generally; rotation of names on the ballot. All election laws, now or hereafter enacted, relating to the nomination and election of candidates for office, apply to the nomination and election of judges of the courts enumerated in ORS 252.010, except where in conflict with the provisions of ORS 252.010 to 252.080. However, when there is more than one candidate for the same judicial office or for the same position or department of a judicial office, at either the primary or the general election, the names of the candidates shall be rotated on the ballot in the same manner as names of candidates are rotated on the ballot in partisan primary elections.

252.090 to 252.100 [Reserved for expansion]

252.110 Position number of Supreme Court Judge to be stated in all nomination proceedings and on primary and general election ballots. (1) In all proceedings for the

nomination of candidates for election to the office of Judge of the Supreme Court, every petition or declaration for nomination, certificate of nomination, ballot or other document used in connection with such nominations shall state the official number of the position, as designated in ORS 2.040, to which the candidate aspires. His name shall appear on the ballot only for the designated position.

(2) At all elections each office of Judge of the Supreme Court to be filled shall be separately designated on the ballot by its official position number, in addition to other matters required by law to appear thereon.

252 120 [Reserved for expansion]

252.130 Number of position or department sought by candidate for circuit court judgeship to be stated in all election proceedings. In all proceedings for the nomination of candidates for election and for the election of candidates to the office of circuit court judge which is designated by a position or department number, or to the office of district court judge which is designated by a department number, every petition or declaration for nomination, certificate of nomination, certificate of election, ballot or other document used in connection with the nomination or election shall state the position or department number of the office to which the candidate aspires, and his name shall appear on the ballot only for the designated position or department Any circuit court judge position designated as a department of domestic relations shall have set forth, in parentheses, following the designation by position number, the words, "Department of Domestic Relations"

[1953 c 52 §5, 1957 c 311 §5, 1961 c 724 §28]

252.140 [Repealed by 1961 c 724 §34]

252 150 to 252 200 [Reserved for expansion]

252 210 [Repealed by 1961 c 624 §8]

252 220 [Repealed by 1961 c 624 §8]

252.230 [Repealed by 1961 c 624 §8]

252 240 [Repealed by 1961 c 624 §8]

252.250 [Repealed by 1961 c 624 §8]

252 255 [1955 c 108 §2; repealed by 1961 c 624 §8]

252.260 [Repealed by 1961 c 624 §8]

252.270 [Repealed by 1961 c 624 §8]

252.280 to 252.300 [Reserved for expansion]

COUNTY SCHOOL SUPERINTENDENTS

252.310 Nomination and election of county school superintendents. Candidates for the office of county school superintendent in the respective counties shall be nominated and voted for at the primary and general elections as provided in ORS 252.310 to 252.370, and not otherwise.

252.320 Nomination by petition or by declaration. The names of all candidates for the office of county school superintendent shall be presented for nomination by individual nominating petitions or by declaration of candidacy and the payment of required fees, subject, however, to the restrictions and provisions of ORS 252.310 to 252.370.

252.330 Contents of nominating petitions and declarations of candidacy. In any petition filed by or on behalf of or any declaration of candidacy made by any candidate for nomination to the office of county school superintendent at the primary election no reference shall be made to any party ballot or to the party affiliation of a candidate. There shall not be attached to or contained in any petition or declaration any statement other than the name of the county in which the candidate resides, a statement, not exceeding 10 words, of his qualifications and experience, and a declaration by the candidate that if nominated and elected he will qualify for the office.

252.340 Single candidate to be nominee. When a petition or a declaration of candidacy is filed by or on behalf of only one person as a candidate for nomination to the office of county school superintendent of any county the name of that person shall not be placed upon the primary ballot but he shall be the nominee for the office.

252.350 Primary ballot and method of determining nominees. (1) At all primary elections at which candidates for county school superintendent are to be nominated, where two or more persons have been named as candidates for the office, there shall be prepared and furnished by the county clerks separate ballots upon which shall be placed the names of the candidates for the office. Following the name of each candidate shall be the name of the county in which he resides and a statement, not exceeding 10 words, of his qualifications and experience, if a statement was included in his petition or declaration. The ballot shall be entitled "County School Superintendent Ballot" and

shall contain no other designation. There shall be no party designation in connection with the name of any candidate on it. The ballot shall be substantially as follows:

COUNTY SCHOOL SUPERINTENDENT BALLOT

Vote for One.

Place an (X) in the square in front of the name of the candidate voted for.

The names of the candidates shall follow. The ballot may be printed upon the same sheet as the judiciary ballot used at the election.

(2) If no candidate receives a majority of all votes cast for the office, the two candidates receiving the highest number of votes shall be the nominees. Their names shall appear on the ballot at the general election. If any candidate receives a majority of all votes cast at the primary election for the office, or if a candidate is nominated as provided for in ORS 252.340, the name of the candidate shall be printed on the general election ballot under the designation "Vote for One;" and the name of no opposing candidate shall be printed on the ballot in opposition to such candidate. One space, however, shall be left following such name in which the voter may insert the name of any person for whom he wishes to cast his ballot.

252.355 Filling vacancies. If a candidate nominated under the provisions of ORS 252.320 to 252.350 dies, withdraws or becomes ineligible, or if a vacancy occurs by death, resignation or otherwise in the office of county school superintendent on or after the day set for holding primary elections, or if a vacancy occurs before the primary election but within such time that a candidate for the vacancy could not be nominated at the election, candidates for such office shall be nominated in the manner provided in ORS 249.710 to 249.850 The certificate of nomination of any candidate may contain a statement, not exceeding 10 words, of his qualifications and experience. Notwithstanding the provisions of ORS 249.720, the certificate of nomination shall not contain the word "independent." The name of any candidate so nominated, who has filed his acceptance of nomination, shall be printed upon the county school superintendent ballot in the same manner as the names of candidates nominated under ORS 252.350. There shall be placed on the ballot after the name of the candidate the name of the county in which he resides and a statement of his qualifications and experience, if such statement was included in his certificate of nomination.
[1955 c 169 §2]

252.360 General election ballot. At the general election there shall be a separate ballot entitled "County School Superintendent Ballot," which shall be prepared and furnished by the county clerks. On it, except as otherwise permitted by ORS 252 070, there shall be printed only the names of candidates nominated as provided in ORS 252.310 to 252.370. The names shall be printed on the ballot without any party designation. The ballot shall be in the same form as the primary ballot provided for in ORS 252 350 and may be printed upon the same sheet as the judiciary ballot or the general ballot used at the election.

252.370 Applicability of election laws generally; rotation of names on ballot. All election laws now or hereafter enacted relating to the nomination and election of candidates for office shall apply to the nomination and election of county school superintendents except where in conflict with the provisions of ORS 252.310 to 252.370. When there is more than one candidate for the office of county school superintendent in any county at either the primary or the general election, the names of the candidates shall be rotated on the ballot at the election in the same manner as the names of candidates are rotated on the ballot in partisan primary elections.

252.380 to 252.500 [Reserved for expansion]

JUSTICE OF THE PEACE

252.510 ORS 252.510 to 252.570 govern nomination and election of justices of the peace. Candidates for the office of justice of the peace shall be nominated and voted for at the primary and general elections as provided in ORS 252.510 to 252.570 and not otherwise.
[1953 c 87 §1]

252.520 Nomination by petition or by declaration. Names of all candidates for the office of justice of the peace shall be presented for nomination by individual nominating petitions or by the declaration of candidacy and the payment of the fee as provided by law, subject, however, to the

restrictions and provisions of ORS 252 510 to 252 570.
[1953 c 87 §2]

252.530 Contents of nominating petitions and declarations of candidacy. Petitions filed by or on behalf of or declarations of candidacy made by candidates for nomination to the office of justice of the peace at the primary election shall contain no reference to any political party ballot or to the political party affiliation of any candidate Nothing shall be attached to or contained in a petition or declaration of candidacy other than the name of the county in which the candidate resides, a statement, not exceeding 10 words, of his qualifications and experience, and a declaration by the candidate that, if nominated and elected, he will qualify for the office
[1953 c 87 §3; 1957 c 311 §6]

252.540 Single candidate to be nominee. When a petition is filed by or on behalf of or a declaration of candidacy is made by only one person as a candidate for nomination to the office of justice of the peace, the name of such person shall not be placed upon the primary ballot but he shall be the nominee for the office.
[1953 c 87 §4]

252.550 Primary ballot and method of determining nominees. (1) At all primary elections at which candidates for justice of the peace are to be nominated, and where two or more petitions or declarations of candidacy for nomination for candidate for such office have been filed, the county clerks shall prepare and furnish a ballot entitled "Justice of the Peace Ballot." On such ballot shall be placed the names of the candidates for the office, without any political party designation. If such statement was included in his petition or declaration of candidacy, a statement, not exceeding 10 words, of his qualifications and experience shall be placed on the ballot after the name of each candidate. The ballot may be printed upon the same sheet as the judiciary ballot referred to in ORS 252 050 and used at the election.

(2) A ballot shall be delivered to each registered elector desiring to vote, regardless of his political party affiliation. The two candidates receiving the highest number of votes as nominees for justice of the peace shall be declared the nominees, whose names shall appear on the ballot at the general election.

(3) When any candidate receives a majority of all votes cast for the office for which he is a candidate at the primary election, the name of that candidate shall be printed separately on the ballot at the general election under the designation "Vote for one"; and the name of no opposing candidate shall be printed on the ballot in opposition to such candidate One space, however, shall be left following such name in which the voter may insert the name of any person for whom he wishes to cast his ballot
[1953 c 87 §5, 1957 c 311 §7]

252.555 Filling vacancies. If a candidate nominated under the provisions of ORS 252.520 to 252.550 dies, withdraws or becomes ineligible, or if a vacancy occurs by death, resignation or otherwise in the office of justice of the peace on or after the day set for holding primary elections, or if a vacancy occurs before the primary election but within such time that a candidate for the vacancy could not be nominated at the election, candidates for such office shall be nominated in the manner provided for the nomination of independent candidates. The certificate of nomination of any such candidate may contain a statement, not exceeding 10 words, of his qualifications and experience It shall not contain the word "independent" The name of any candidate so nominated, who has filed his acceptance of nomination, shall be placed upon the ballot at the general election in the same manner as the names of candidates nominated under ORS 252 550 If such statement was included in his certificate of nomination, a statement, not exceeding 10 words, of his qualifications and experience shall be placed on the ballot after the name of the candidate.
[1955 c 169 §4; 1957 c 311 §8]

252.560 General election ballot. At the general election the county clerk shall prepare and furnish a ballot entitled "Justice of the Peace Ballot." On such ballot there shall be printed the names of candidates nominated as provided in ORS 252.510 to 252 570. The names shall be printed upon the ballot without any party designation. The ballot shall be in the same form as the primary ballot provided for in ORS 252 550, and may be printed upon the same sheet as the judiciary ballot referred to in ORS 252 070 or the general ballot used at the election.
[1953 c.87 §6; 1957 c.311 §9]

252.570 Applicability of election laws generally; rotation of names on ballot. All election laws now or hereafter enacted, relating to the nomination and election of candidates for office, apply to the nomination and election of justices of the peace, except where in conflict with the provisions of ORS 252.510 to 252.570. However, when there is more than one candidate for the office of justice of the peace, at either the primary or general election the names of the candidates shall be rotated on the ballot in the same manner as names of candidates are rotated on the ballot in partisan primary elections

[1953 c 87 §7]

252 580 to 252.800 [Reserved for expansion]

GENERAL PROVISIONS

252.810 Number of signatures required with nominating petitions. (1) If the nonpartisan office is one to be voted for in the state at large, the petition shall have attached to it a sheet or sheets containing a number of signatures of registered electors equal to at least two percent of the vote cast in the state for the candidate for Judge of the Supreme Court who received the highest vote at the last general election, or at least 1,000 of such registered electors, whichever number is the lesser The signatures shall include those of registered electors residing in each of at least one-tenth of the precincts in each one of at least seven counties.

(2) If a petition for nomination is for an office to be voted for in a district composed of one or more counties, a county office, a district or precinct office within a county or a city office, the petition shall have attached to it a sheet or sheets containing the signatures of at least a number of registered electors equal to two percent of the vote cast in the district for the candidate for Judge of the Supreme Court who received the highest vote at the last general election, or at least 500 of such registered electors, whichever number is the lesser. If the office is one to be voted for in a district composed of more than one county, the signatures shall include those of registered electors residing in each of at least one-eighth of the precincts in each of at least two counties in the district. If the office is one to be voted for in only one county, a district within a county or a city, the signatures shall include those of registered electors residing in each of at least one-fifth of the precincts in the county, district or city

[1961 c 93 §2]

252 820 to 252.980 [Reserved for expansion]

PENALTIES

252.990 Penalties. Violation of the provisions of ORS 252 310 to 252 370 for which a specific penalty is not provided is a misdemeanor.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173 170, I, Sam R Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173 160 and other changes specifically authorized by law

Done at Salem, Oregon,
on December 1, 1961.

Sam R. Haley
Legislative Counsel