Chapter 249

1971 REPLACEMENT PART

Conduct of Primary Elections; Nominating Procedures

DEFINITIONS AND GENERAL PROVISIONS CONCERNING PRIMARY ELECTIONS

249.011 Definitions for ORS 249.011 to 249.670
249.014 Verification of documents
249.016 Nomination of candidates of major political party

PETITION METHOD OF SELECTING CANDIDATES FOR NOMINATION AT PRIMARY ELECTION

249.020 Filing of candidates' petitions for nomination
249.031 Contents of petition
249.041 Requirements regarding number and distribution of persons signing petitions
249.051 Qualifications of signers of petitions
249.055 Verification of signatures by county clerk
249.060 Time for filing petitions for nomination; candidate's party qualifications

PRE-PRIMARY PROCEDURES

249.070 Register of candidates for nomination
249.090 Certain election records are public records; furnishing copies of election records; preservation of election records and materials
249.100 Secretary of State to arrange names and information about candidates for the ballots
249.110 City officers to arrange names and information about candidates for the ballots
249.130 Official dating of petitions and declarations
249.150 Withdrawals; candidate's party qualifications
249.160 Filing or declaration for public office without prior withdrawal invalid

DECLARATION METHOD FOR BECOMING CANDIDATE FOR NOMINATION AT PRIMARY ELECTION

249.210 Declaration of candidacy; filing
249.221 Contents of declaration
249.260 Time of filing declaration
249.271 Filing fees

PRIMARY ELECTION PROCEDURE

249.310 Rules for construing primary election law
249.320 Construction of primary election law
249.340 Date of primary election
249.350 Statement of offices to be filled
249.352 Arranging information on ballot
249.354 Official election ballot
249.356 Publication of facsimile of ballot
249.358 Number of ballots to be provided; sample ballots
249.362 Rotation of names on ballot
249.364 Furnishing, printing or distributing ballots contrary to law prohibited
249.366 Major party membership required for voting at a primary election
249.367 Signature sheets for petitions for presidential candidate under ORS 249.368
249.368 Electors may vote preference for candidates for President; petitions for nomination, placing of names on ballot
249.369 Making notations in poll book and on ballots when elector votes
249.370 Entering total number voting at election and for each party in poll book; signing poll book by clerks
249.375 Accounting for official ballots
249.380 Tally and return sheets; disposition of election materials and supplies
249.385 County clerk to retain certain election materials and supplies
249.410 Abstract of votes; notice to candidates nominated or elected
249.420 Unsuccessful county or precinct candidate not eligible as candidate at general election
249.430 Procedure in case of tie vote for county or precinct office
249.440 Compensation of election officials
249.450 Person with highest number of votes nominated or elected
249.460 Canvassing votes and proclaiming nominations to state and certain district offices
249.470 Unsuccessful state or district candidate not eligible as candidate at general election
249.480 Procedure in case of tie vote for state or district office
249.491 Register of nominations

NATIONAL ELECTION PROCEDURE

249.505 Poll books for national elections
249.515 Ballots for national offices
249.525 Counting ballots for national offices
249.535 Election laws generally applicable
249.545 Rules

FILLING VACANCIES; WITHDRAWAL (MAJOR POLITICAL PARTIES)

249.650 United States Senator or state office voted for in state at large
249.655 Representative in Congress
249.660 State office to be voted at large in district composed of more than one county
249.665 State office to be voted for in district composed of one county; county office; district or precinct office within a county
249.670 City office
249.680 Withdrawal of candidacy by nominee

NOMINATION OF CANDIDATES BY METHOD OTHER THAN PRIMARY ELECTION

249.710 Nomination by certificate of nomination may be made by minor political party, assembly of electors and individual electors; definition of "minor political party" and "assembly of electors"
249.720 Information to be contained in every certificate of nomination
249.730 Signing certificate of nomination made at convention; notice and proof of notice of meeting of assembly
249.740 Number of signers required on certificates of nomination made by individual electors; verification of signatures
249.750 Candidacy for more than one office

249.760 Acceptance of nomination; several certificates nominating the same person
249.770 Filing certificates of nomination for state and other offices with Secretary of State
249.780 Filing certificates of nomination for county and district or precinct offices with county clerk
249.790 Time for filing certificates of nomination for special elections
249.810 Entries made in register of nominations upon filing certificates
249.820 Certificates, acceptances and withdrawals are public records; furnishing copies
249.830 Procedure for withdrawing a nomination
249.840 Procedure for filling vacancies in nominations caused by death, disqualification or withdrawal
249.850 Filing of certificate to fill vacancy in nomination; notifying proper officials to make changes in the ballots for the general election
249.860 Time within which assembly to complete business

PENALTIES

249.990 Penalties

CROSS REFERENCES

Absent voters, Ch. 253
Administration of election laws, Ch. 246
Election offenses, Ch. 260
Election provisions concerning cities, 221.150 to 221.210, 250.230
Merit system employe, restrictions on candidacy, 240.705
Nomination and election of judges, 252.010
Nomination and election of justices of the peace, 252.510
Nomination of candidates for:
Boards of county commissioners, 204.017
Directors for public utility districts, 261.190, 261.410
Membership on intermediate education district boards, 334.035
School director, 331.090, 331.170
Nomination petitions and other election documents, time when must be received by election official, 246.021
President or Vice President, voting for when voter is resident for less than six months, 247.410
Recounts, 251.510 to 251.620
Registrar of elections in Multnomah County to perform election duties of county clerk, 246.300
Suffrage and elections, Const. Art. II
Voting machine's effect on conduct of primaries, Ch. 258

249.090

Certificates, acceptances and withdrawals are public records, 249.820
Disposal of used ballots and ballot stubs, 249.380
Preservation of election records, 250.570

249.210

Election of national committeemen and committeewomen of major political party, 248.160

249.340

City-county consolidation election may be held at same time as primary election, 199.735
Elections of city officers to be held at the same time and place as elections for state and county officers, Const. Art. II, §14a, 250.230

249.352

Ballots for nonpartisan elections, Ch. 252

249.354

Candidates' names for same office to be printed in same column, 250.145
Injunction to prevent placing name on ballot, 260.452
Member of organization advocating the overthrow of the Government of the United States by force not entitled to have name on ballot, 236.030
Omitting name from ballot when vacancy occurs, 250.161
Separate ballots for city elections, 221.170

249.358

Sample ballot, use in voting, 260.640

249.366

Procedure at polls for person challenged as to political party membership, 250.400

249.368

Procedure for withdrawal of candidacy by nominee, 249.680

249.380

Penalty for failure of election officer, where double election boards have been appointed, to return certificates of results of election, 260.630
Recounts, 251.570

249.450

Method for contesting nomination or election, 251.015 to 251.090

249.680

Authority for withdrawal of candidate, 249.368

FILLING VACANCIES IN NOMINATION OF CANDIDATES OF MAJOR POLITICAL PARTY

Filling vacancy in office, Const. Art. V, §16

249.710

Contest of nomination, 251.015 to 251.090

249.820

Preservation of election records, 250.570
Register of nominations as public record, 249.090

249.990

Election offenses, Ch. 260

DEFINITIONS AND GENERAL PROVISIONS CONCERNING PRIMARY ELECTIONS

249.010 [Repealed by 1957 c.608 §231]

249.011 Definitions for ORS 249.011 to 249.670. As used in ORS 249.011 to 249.491 and 249.650 to 249.670, unless the context requires otherwise:

(1) "Major political party" means 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.

(2) "Primary election law" means ORS 249.011 to 249.491 and 249.650 to 249.670.
[1957 c.608 §65(1)]

249.014 Verification of documents. The Secretary of State, the county clerk, the city clerk, recorder or auditor, as the case may be, may verify the validity of the contents of the documents filed in his office as described in ORS 249.031, 249.221, 249.710, 249.720, 249.730 and 249.770.
[1961 c.64 §2; 1971 c.749 §76]

249.016 Nomination of candidates of major political party. The candidates for public office of a major political party shall be nominated only in the manner provided in the primary election law. Such candidates shall not be nominated in the manner provided in ORS 249.710 to 249.850.
[1957 c.608 §65(2)]

PETITION METHOD OF SELECTING CANDIDATES FOR NOMINATION AT PRIMARY ELECTION

249.020 Filing of candidates' petitions for nomination. (1) Any registered elector may become a candidate for the nomination of the major political party with which he is registered as being affiliated for any office for which he is eligible or for election by such party as national committeeman, national committeewoman or delegate to a party national convention by filing a petition for nomination as provided in ORS 249.020 to 249.110.

(2) Before or when beginning to circulate a petition for nomination the registered elector who is to be a candidate for the nomination shall send to the Secretary of State, county clerk or city clerk, recorder or auditor, as the case may be, a copy of his petition for nomination, signed by him. The copy shall be filed and shall be conclusive evidence for the purposes of the primary election law that the registered elector is a candidate for nomination or election by his party.

(3) All nominating petitions and notices pertaining to candidates for offices to be voted for in the state at large or in a district composed of one or more counties shall be filed with the Secretary of State. All nominating petitions and notices pertaining to candidates for county offices and district or precinct offices within a county shall be filed with the county clerk. All nominating petitions and notices pertaining to candidates for city offices shall be filed in the office of the city clerk, recorder or auditor, as the case may be.
[Amended by 1957 c.608 §66]

249.030 [Repealed by 1957 c.608 §231]

249.031 Contents of petition. (1) No petition for nomination shall contain the name of more than one candidate.

(2) Each petition for nomination shall contain:

(a) The name of the candidate by which he is commonly known and by which he transacts his important private or official business. A candidate may use a nickname in parentheses in connection with his full name.

(b) The mailing address of the residence of the candidate.

(c) The name of the major political party with which the candidate is registered as being affiliated during at least 180 days prior to the date the petition is filed.

(d) If the candidate so desires, a statement of 12 words or less of any measure or principles the candidate especially advocates or of his qualifications for office but not to specify indorsement by any political party or other political organization.

(e) A statement that the candidate is willing to accept the nomination or election.

(f) A statement that the candidate will qualify if elected.

(g) A statement that the candidate, if not nominated, will not accept the nomination or indorsement of any political party other than the one with which he is registered as being affiliated during at least 180 days prior to the date the petition is filed.

(h) The signature of the candidate by which he is commonly known and by which he transacts his important private or official business. A candidate may use a nickname in parentheses in connection with his full name.

(3) The petition for nomination of a candidate for election as delegate to a national party convention shall include a pledge that such candidate, if elected, will use his best efforts at the convention for the candidate of his party for the office of President of the United States who receives the highest number of votes at the primary election until such candidate for President of the United States is nominated by such convention, receives less than 35 percent of the votes for nomination by such convention or releases the delegate from such pledge or until two convention nominating ballots have been taken.

(4) The petition for nomination of a candidate for election as national committeeman or national committeewoman shall include a pledge that such candidate, if elected, will represent his or her constituents to the best of his or her ability.

(5) Attached to each petition for nomination shall be a sheet or sheets containing:

(a) The number of signatures of registered electors required by ORS 249.041, the residence address of each registered elector whose signature appears thereon and the name or number of the precinct in which he resides.

(b) A statement that each registered elector whose signature appears thereon is registered as being affiliated with the same major political party as is the candidate.

(6) The petition for nomination of a candidate for election as a delegate to a national party convention shall include the name of the individual the candidate supports for President of the United States or the word "uncommitted".

[1957 c.608 §68; 1961 c.336 §1; 1961 c.667 §5; 1969 c.245 §1]

249.040 [Repealed by 1957 c.608 §231]

249.041 Requirements regarding number and distribution of persons signing petitions. (1) Except as otherwise provided in ORS 248.160 and 248.350, if a petition for nomination is for an office to be voted for in the state at large or in a congressional district, the petition shall have attached thereto a sheet or sheets containing the signatures of at least a number of registered electors registered as being affiliated with the same major political party as is the candidate equal to two percent of the vote cast in the state or congressional district, as the case may be, for the candidates of such major political party for presidential electors at the last general election, or at least 1,000 of such registered electors, whichever number is the lesser. If the office is one to be voted for in the state at large the signatures shall include those of registered electors residing in each of at least one-tenth of the precincts in each of at least seven counties. If the office is one to be voted for in a congressional district the signatures shall include those of registered electors residing in each of at least one-tenth of the precincts in each of at least one-fourth of the counties in the congressional district.

(2) If a petition for nomination is for an office to be voted for in a district, other than a congressional 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 thereto a sheet or sheets containing the signatures of at least a number of registered electors registered as being affiliated with the same major political party as is the candidate equal to two percent of the vote in the district, county, district or precinct within a county or city, as the case may be, for the candidates of such major political party for presidential electors 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, other than a congressional 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.

[1957 c.608 §69]

249.050 [Repealed by 1957 c.608 §231]

249.051 Qualifications of signers of petitions. (1) No person who is not a registered elector registered as being affiliated with the same major political party as is the candidate may sign the petition for nomination of such candidate, but this does not prevent such registered elector from signing a certificate of nomination of any nonpartisan

or independent candidate after the primary election and before the general election or from signing the petitions for nomination of more than one candidate of such party for the same office.

(2) No person shall sign the name of another person to any petition for nomination. [1957 c.608 §70]

249.055 Verification of signatures by county clerk. Before a petition for nomination is offered for filing the county clerk of each county in which the signatures were secured shall compare the signatures of registered electors on each sheet attached to the petition with the signatures of registered electors on the register of electors and shall make and attach to the petition his certificate stating the number of signatures he believes to be genuine. The certificate is prima facie evidence of the facts stated therein and of the qualifications of the registered electors whose signatures are included in the number certified to be genuine. No signature not included in the number certified to be genuine shall be counted by the officer with whom the petition is filed. No signature in violation of the provisions of the primary election law shall be counted in computing the number of signatures required. [1957 c.608 §71; 1959 c.177 §1]

249.060 Time for filing petitions for nomination; candidate's party qualifications. (1) All petitions for nominations required to be filed with the Secretary of State, county clerk or city clerk, recorder or auditor, as the case may be, shall be filed not before the 250th day and not later than the 70th day before the date of the primary election.

(2) If it is found that a candidate is not qualified by registration as represented in his petition for nomination, he shall not be entitled to receive or hold the nomination of the major political party in which he claims membership. A temporary lapse of registration by reason of change of residence or change in the candidate's name through marriage, shall not constitute a lapse of membership in the party if, immediately prior to such temporary lapse of registration, the candidate was in fact a member of the party through which he seeks the nomination and was not a member of any other political party within the period of 180 days next preceding the date on which he filed his petition for nomination. The requirement that the candidate be qualified by registration does not apply to any candidate whose 21st birthday falls within such period of 180 days. [Amended by 1957 c.608 §72; 1971 c.749 §77]

PRE-PRIMARY PROCEDURES

249.070 Register of candidates for nomination. The Secretary of State, each county clerk and each city clerk, recorder or auditor, as the case may be, shall keep a register of candidates for nomination at the primary election and shall enter therein for each major political party:

(1) The title of each office for which the major political party will nominate candidates at the primary election.

(2) The name and residence mailing address of each candidate for nomination at the primary election.

(3) The name of the major political party with which such candidate is registered as affiliated.

(4) The date of the filing of the first copy of the petition for nomination of such candidate.

(5) The date of the filing of the petition for nomination of such candidate with the sheet or sheets containing the signatures of registered electors attached thereto, the number of signatures appearing thereon and the number of signatures required.

(6) Such other information as may aid the Secretary of State, county clerk or city clerk, recorder or auditor, as the case may be, in arranging the official ballot for the primary election. [1957 c.608 §73]

249.080 [Repealed by 1957 c.608 §231]

249.090 Certain election records are public records; furnishing copies of election records; preservation of election records and materials. Registers of candidates for nomination at the primary election, registers of nominations and petitions, letters, notices and other writings required by law, as soon as filed, shall be public records, and shall be open to public inspection under proper regulations. When a copy of any such writing is presented at the time the original is filed, or at any time thereafter, and a request is made to have such copy compared and certified, the officers with whom such writing was filed, shall forthwith compare such copy with the original on file, and, if necessary, correct the copy and certify and deliver the

copy to the person who presented it on payment of his lawful fees therefor. All such writings, poll books, return sheets and tally sheets pertaining to the primary elections under the provisions of the primary election law shall be preserved as other records are, for two years after the election to which they pertain.
[Amended by 1957 c.608 §74]

249.100 Secretary of State to arrange names and information about candidates for the ballots. The Secretary of State shall arrange all the names and information concerning all candidates for nomination contained in the valid petitions which have been filed with him in accordance with the provisions of the primary election law. This shall be done not more than 70 days nor less than 61 days before the day for the primary election. The arranging shall be done in the manner provided by this chapter for placing that information on the ballots. He shall promptly certify it under the seal of the state and file it in his office. He shall make and transmit a duplicate by registered letter to the county clerk of each county in the state. He shall also post a duplicate in a conspicuous place in his office and keep it posted until after the primary election has taken place. In case of emergency the Secretary of State may transmit the duplicate by telegraph.

249.110 City officers to arrange names and information about candidates for the ballots. The city clerk, recorder or auditor, as the case may be, shall arrange, in the manner provided by law for the arrangement of the names and other information upon the ballots, all the names and information concerning all candidates for nomination contained in the valid petitions which have been filed with him in accordance with the provisions of law, or provisions of ordinances or charters. This shall be done not earlier than the seventieth day nor later than the sixty-first day before the day for the primary election. He shall promptly certify it and file it in his office. He shall make and transmit a duplicate to the county clerk of the county in which the city is situated. He shall also post a duplicate in a conspicuous place in his office and keep it posted until after the primary election has taken place. In case of emergency, the city officer may transmit the duplicate by telegraph.
[Amended by 1957 c.608 §75; 1961 c.121 §1]

249.120 [Repealed by 1957 c.608 §231]

249.130 Official dating of petitions and declarations. All petitions and declarations of candidacy and all withdrawals shall immediately upon filing be dated and time stamped by the Secretary of State, county clerk, city clerk, recorder, auditor or other filing officer.
[1967 c.126 §3]

249.150 Withdrawals; candidate's party qualifications. (1) A candidate who desires to withdraw after filing his declaration of candidacy or petition shall state his reasons under oath and file them with the official with whom his declaration or petition of candidacy was filed, not later than the 67th day prior to the date of the primary election. If he does not withdraw, the Secretary of State, county clerk, city clerk, recorder or auditor, as the case may be, shall cause the name of the candidate to be printed upon the official ballot at the primary election. No additional signatures or fees shall be required to make the candidacy complete and effective.

(2) If it is found that a candidate is not qualified by registration as represented in his declaration of candidacy, he shall not be entitled to receive or hold the nomination of the major political party in which he claims membership. A temporary lapse of registration by reason of change of residence, failure to vote in the prescribed number of elections or a change in the candidate's name through marriage, shall not constitute a lapse of membership in the party if, immediately prior to this temporary lapse of registration, the candidate was in fact a member of the party through which he seeks the nomination and was not a member of any other political party within the period of 180 days next preceding the date on which he filed his declaration of candidacy. The requirement that the candidate be qualified by registration does not apply to any candidate whose twenty-first birthday falls within such period of 180 days.
[Formerly 249.280]

249.160 Filing or declaration for public office without prior withdrawal invalid. (1) No person shall file a petition or declaration of candidacy for more than one public office prior to a primary election unless he first files a written withdrawal with the officer who accepted the initial filing.

(2) If at any time prior to the primary election it is determined that an individual

has filed two or more petitions or declarations of candidacy for any public office without written withdrawal or withdrawals intervening, all such filings shall be invalid and any other filing made by the same individual shall be void.
[1967 c.126 §§2, 4]

DECLARATION METHOD FOR BECOMING CANDIDATE FOR NOMINATION AT PRIMARY ELECTION

249.210 Declaration of candidacy; filing. (1) In lieu of the manner provided in ORS 249.020 to 249.110, any registered elector may become a candidate for the nomination of the major political party with which he is registered as being affiliated for any office for which he is eligible or for election by such party as precinct committeeman, national committeeman, national committeewoman or delegate to a national party convention by filing a declaration of candidacy as provided in ORS 249.150 and 249.210 to 249.271. The declaration shall be accompanied by the required filing fee. The filing of a declaration with the proper official shall be conclusive evidence that the registered elector is a candidate for nomination or election by his party.

(2) All declarations pertaining to candidates for offices to be voted for in the state at large or in a district composed of one or more counties shall be filed with the Secretary of State. All declarations pertaining to candidates for county offices and district or precinct offices within a county shall be filed with the county clerk. All declarations pertaining to candidates for city offices shall be filed in the office of the city clerk, recorder or auditor, as the case may be.
[Amended by 1957 c.608 §76]

249.220 [Repealed by 1957 c.608 §231]

249.221 Contents of declaration. (1) Each declaration of candidacy shall contain:

(a) The name of the candidate by which he is commonly known and by which he transacts his important private or official business. A candidate may use a nickname in parentheses in connection with his full name.

(b) The mailing address of the residence of the candidate.

(c) The name of the major political party with which the candidate is registered as being affiliated during at least 180 days prior to the date the declaration is filed.

(d) If the candidate so desires, a statement of 12 words or less of any measure or principles the candidate especially advocates or of his qualifications for office but not to specify indorsement by any political party or other political organization.

(e) A statement that the candidate is willing to accept the nomination or election.

(f) A statement that the candidate will qualify if elected.

(g) A statement that the candidate, if not nominated, will not accept the nomination or indorsement of any political party other than the one with which he is registered as being affiliated during at least 180 days prior to the date the declaration is filed.

(h) A statement that the required filing fee is inclosed.

(i) The signature of the candidate by which he is commonly known and by which he transacts his important private or official business. A candidate may use a nickname in parentheses in connection with his full name.

(2) The declaration of a candidate for election as delegate to a national party convention shall include a pledge that such candidate, if elected, will use his best efforts at the convention for the candidate of his party for the office of President of the United States who receives the highest number of votes at the primary election until such candidate for President of the United States is nominated by such convention, receives less than 35 percent of the votes for nomination by such convention or releases the delegate from such pledge or until two convention nominating ballots have been taken.

(3) The declaration of a candidate for election as national committeeman or national committeewoman shall include a pledge that such candidate, if elected, will represent his or her constituents to the best of his or her ability.

(4) The declaration of a candidate for election as a delegate to a national party convention shall include the name of the individual the candidate supports for President of the United States or the word "uncommitted".
[1957 c.608 §78; 1961 c.336 §2; 1961 c.667 §6; 1969 c.245 §2]

249.230 [Repealed by 1957 c.608 §231]

249.240 [Repealed by 1957 c.608 §231]

249.250 [Repealed by 1957 c.608 §231]

249.260 Time of filing declaration. All declarations of candidacy required to be filed with the Secretary of State, county clerk or city clerk, recorder or auditor, as the case

may be, shall be filed not before the 250th day and not later than the 70th day before the date of the primary election.
[Amended by 1957 c.608 §79; 1971 c.749 §78]

249.270 [Repealed by 1957 c.608 §231]

249.271 Filing fees. (1) At the time of filing his declaration of candidacy a candidate shall pay to the official with whom the declaration is filed a fee based upon the office he is a candidate for as follows:

(a) United States Senator, $150.

(b) Offices to be voted for in the state at large, except national committeeman, national committeewoman and delegate to a national party convention, $100.

(c) Representative in Congress to be voted for in a congressional district, $100.

(d) Circuit court judge and district offices of districts composed of more than one county, except State Senator and Representative in the Legislative Assembly, $50.

(e) County offices, including district attorney and district court judge, but excepting district offices within the county, $20.

(f) State Senator or Representative in the Legislative Assembly, $10.

(g) National committeeman, national committeewoman and delegate to a national party convention, $15.

(h) District offices within the county, except district attorney and district court judge, $5.

(2) The official with whom a declaration of candidacy is filed, upon request received on or before the last day for withdrawal under ORS 249.280, shall refund the filing fee of any candidate who dies, withdraws or for any reason becomes ineligible for the nomination on or before such day.
[1957 c.608 §80]

249.280 [Amended by 1957 c.608 §81; 1961 c.76 §1; renumbered 249.150]

PRIMARY ELECTION PROCEDURE

249.310 Rules for construing primary election law. The primary election law shall be construed in a manner to make it operate as nearly as possible in accordance with the theory expressed in the preamble to chapter 1, Oregon Laws 1905. Whenever the provisions of the primary election law in operation prove to be of uncertain meaning, or not sufficiently explicit in directions and details, the general laws of Oregon and especially the election and registration laws, and the custom, practice, usage and forms thereunder, in the same circumstances or under like conditions, shall be followed in the construction and operation of the primary election law, the objective being that the protection of the spirit and intention of the primary election law shall be extended so far as possible to all primary elections.

249.320 Construction of primary election law. The provisions of the primary election law and all statutes applicable to primary elections shall be construed as though the primary elections were separate elections for each major political party making its nominations thereunder. Primary elections shall be conducted, as nearly as practicable, in the same manner as general elections are conducted. The duties of all officers as to the conducting of primary elections and the furnishing of supplies therefor shall be substantially the same as is required of such officers in the conduct of general elections. The provisions of the primary election law are not intended to modify or in any manner control the proceedings at general elections, unless that intent is expressly and directly stated.
[Amended by 1957 c.608 §87]

249.330 [Amended by 1955 c.726 §7; repealed by 1957 c.608 §231]

249.340 Date of primary election. On the fourth Tuesday in May 1966, and biennially thereafter, there shall be held in the several election precincts of the state a general primary election at which shall be nominated or elected such United States, state, district, county, city, town and precinct officers as are to be elected or nominated at the general primary election or general election of that year.
[Amended by 1965 c.417 §1]

249.350 Statement of offices to be filled. The Secretary of State and the city clerk, recorder or auditor, as the case may be, of any city with a population of 2,000 or more, according to the last federal or state census, shall, not later than the sixty-first day before any primary election, prepare and furnish to each county clerk a certified statement showing the state, district or city offices to be filled or for which candidates are to be nominated in the county by the major political parties or by the cities at the election, and the names and other information concerning all candidates for such offices or nominations to be voted on at the election. The Secretary of State or city clerk, recorder

or auditor, as the case may be, shall keep a copy of such statement in his office available for public inspection.
[Amended by 1957 c.608 §88; 1961 c.121 §2]

249.352 Arranging information on ballot. Not later than the fiftieth day before the day fixed for the primary election, the county clerk shall arrange, in the manner provided by law, upon the ballot the names and other information concerning all candidates and major political parties named in the petitions for nomination or declarations of candidacy which have been filed with him and those which have been certified to him by the Secretary of State or city clerk, recorder or auditor, as the case may be. The county clerk shall certify such ballot and keep it in his office available for public inspection.
[Formerly 249.530; 1961 c.121 §3]

249.354 Official election ballot. (1) The official primary election ballot shall be styled "Official Primary Nominating Ballot for the ———— Party." and shall state:

(a) The number or name of the precinct and county for which it is intended.

(b) The date of the primary election.

(c) The names of all candidates for nomination for offices to be filled at the primary election whose petitions for nomination or declarations of candidacy have been made and filed as provided by the primary election law and who have not died, withdrawn or become disqualified.

(d) The names of candidates for election as precinct committeeman, national committeeman, national committeewoman, delegate to a national party convention and candidates for city offices.

(2) The ballot shall not contain the name of any person other than those referred to in subsection (1) of this section. The name of each candidate for whom a petition for nomination or declaration of candidacy has been filed shall be printed on the ballot in but one place. In the event that two or more candidates for the same nomination or office have the same or similar surnames, the location of their places of residence shall be printed opposite their names in order to distinguish one from another.

(3) There shall be added opposite the name of each candidate on the ballot the statement of 12 words or less of any measure or principles he especially advocates or of his qualifications for office contained in his petition for nomination or declaration of candidacy. If voting machines are used, the county clerk may delete all such statements from the ballot labels for the voting machines, may request candidates to submit shorter statements and may add such shorter statements adjacent to the names of the candidates on the ballot labels for the voting machines. If the candidate is seeking election as a delegate to a national party convention there shall be added opposite his name the name of the individual he supports for President of the United States or the word "uncommitted".

(4) Subject to the requirements of ORS 249.362 the names of the candidates for nomination for or election to each office shall be arranged under the designation of the office, in alphabetical order, according to surnames. There shall be left at the end of the list of candidates for nomination for or election to each office a blank space in which the elector may write the name of any person not printed on the ballot for whom he desires to vote. On the left margin of the ballots for each major political party the name of each candidate for nomination or election as printed shall be numbered. The blank lines shall not be numbered.

(5) Each official ballot shall have a stub or stubs which may be removed therefrom. The stub or stubs on the official ballots for a precinct shall be numbered consecutively.

(6) The ballot shall be printed so as to give each elector a clear opportunity to designate his choice for candidates by making with an indelible mark a cross (X) or a check (√) inside a voting square between the number and name of the candidate for whom he wishes to vote. On the ballot may be printed such words as will aid the elector, such as "Vote for one," "Vote for three."

(7) A voting square shall not be printed on the blank lines required in subsection (4) of this section. The elector is not required to place an (X) or (√) in front of a name he has written in on the blank line provided for such purpose.
[Formerly 249.550; amended by 1963 c.174 §1; subsection (7) enacted as 1967 c.26 §2; 1969 c.245 §3]

249.356 Publication of facsimile of ballot. (1) Not later than the fourth day nor prior to the fifteenth day before the primary election, the county clerk shall cause to be published a facsimile, except as to size, of a sample ballot of each major political party provided at the election under ORS 249.358. The facsimile shall not contain the names

and other information concerning candidates for precinct committeeman.

(2) The facsimile shall be published in at least one issue of one newspaper in each county with a population of less than 10,000 or in each county in which no more than one newspaper is published, and in at least one issue of two newspapers in each county with a population of 10,000 or more in which more than one newspaper is published. The county court or board of county commissioners shall, at the first regular meeting each year, select the newspaper or newspapers in which the facsimile shall be published and shall notify the county clerk of such selection. The newspaper must be published within the county and shall be the newspaper having the largest bona fide circulation within the county as shown by the last annual report made to the United States Government.

(3) If the county court or board of county commissioners determines that publication of the facsimile in the newspaper or newspapers selected under subsection (2) of this section does not give sufficient notice of the election, it may select one or more additional newspapers in the county, in each of which the facsimile shall be published at least once. Such selection shall be made at the same time, but need not be made in the same manner as provided in subsection (2) of this section. The county court or board of county commissioners shall notify the county clerk of such additional selection.

(4) The facsimile shall be published at the current published local display advertising rate.

(5) The facsimile shall not be published in any newspaper unless it agrees that no paid political advertisement shall be placed on the same page as the facsimile or on the page facing the facsimile. If a newspaper selected under subsection (2) or (3) of this section does not so agree, the county court or board of county commissioners shall select another newspaper in the county with as nearly as possible the same qualifications for the publication of the facsimile.

[1957 c.608 §103; 1961 c.68 §1]

249.358 Number of ballots to be provided; sample ballots. (1) There shall be provided at each primary election for each major political party for each precinct at least as many official ballots as there are electors registered as being affiliated with the major political party in the precinct when the register of electors is closed preceding such primary election, and as many sample ballots as the county clerk considers necessary to supply persons requesting them at polling places and for public distribution.

(2) The sample ballots shall:

(a) Be labeled as sample ballots. The sample ballots may be duplicate impressions of the official ballots.

(b) Not be of any color the same as or similar to the color of any official ballot.

(c) Be on a cheaper grade of colored paper and readily distinguishable from official ballots.

(d) Be used solely for the information and convenience of registered electors, and if voted shall not be counted.

(3) In addition to the sample ballots required, the county clerk shall, at the request of any candidate, political party or political committee, furnish to them sample ballots. The county clerk shall collect from the requesting party an amount equal to the cost of the sample ballots furnished.

[Formerly 249.540; 1961 c.74 §1; 1967 c.340 §1]

249.360 [Repealed by 1957 c.608 §231]

249.362 Rotation of names on ballot. In any primary election when two or more persons are candidates for nomination for or election to the same office, the county clerk shall divide the ballot forms for the county into sets so as to provide a substantial rotation of the names and numbers of the candidates. He shall divide the whole number of ballot forms for the county into sets equal in number to the greatest number of candidates for each nomination for or election to any office, and he shall so arrange the sets that the names and numbers of the candidates shall be rotated by removing one name with its number from the top of the list for each nomination or office and placing that name and number at the bottom of the list for each successive set of ballot forms. However, no more than one of the sets shall be used in printing the ballots for use in any one precinct and all ballots furnished for use in any precinct shall be of one form and identical in every respect.

[Formerly 249.570]

249.364 Furnishing, printing or distributing ballots contrary to law prohibited. No person employed or authorized to print official primary election ballots, or employed in printing them, shall give, deliver or knowingly permit any of the ballots to be taken by any person other than the official under whose direction the ballots are printed. No

person shall knowingly print, cause or permit to be printed any ballot in any other form, with any other names thereon, with the names spelled or the names of the candidates arranged in any other way than that provided for under the primary election law and directed by such official. No official charged by law with the duty of distributing ballots, nor any persons acting for him, shall knowingly distribute or cause to be distributed any ballots in any other manner than as provided for under the primary election law.
[Formerly 249.580]

249.366 Major party membership required for voting at a primary election. No elector shall be qualified or permitted to vote at any primary election under the primary election law, and it shall be unlawful for him to offer to do so, unless he is registered as being affiliated with one of the major political parties nominating or electing its candidates for public office under the primary election law at such primary election. Every elector offering to vote at any such primary election shall be given a ballot of the major political party with which he is registered as being affiliated. He shall not be given a ballot of any other political party at that primary election.
[Formerly 249.510]

249.367 Signature sheets for petitions for presidential candidate under ORS 249.368. (1) A petition for nomination of a candidate under ORS 249.368 shall have attached thereto a sheet or sheets containing the signatures of at least 4,000 registered electors, at least 1,000 of whom reside in each congressional district. The electors in each congressional district shall include electors residing in each of at least one-tenth of the precincts in each of at least one-fourth of the counties in the congressional district.

(2) The signature sheets shall also contain the residence address and name or number of the precinct of each registered elector whose signature appears thereon and shall be certified to in the manner prescribed in ORS 249.055.
[1969 c.101 §3]

249.368 Electors may vote preference for candidates for President; petitions for nomination; placing of names on ballot. (1) When candidates for the office of President of the United States are to be nominated, every elector of a major political party shall have the opportunity to vote his preference on his official primary election ballot for a person to be the candidate for nomination by his party for President of the United States. Preference shall be indicated either by writing the name of such person in the blank space left on the ballot for that purpose or by marking with a cross (X) or a check mark (√) inside a voting square between the number and name of the person of his choice, as in the case of nominations of candidates for state and district offices.

(2) The name of any candidate for a major political party nomination for President of the United States shall be printed on the ballots only:

(a) By direction of the Secretary of State who shall place the name of such a candidate upon the ballot when he shall have determined in his sole discretion that such candidate's candidacy is generally advocated or recognized in national news media throughout the United States.

(b) Upon the petition for nomination presented to the Secretary of State by members of the major political party of the candidate in the form provided by ORS 249.367.

(3) The names of the candidates for major political party nomination for President of the United States shall be printed on the official ballots for the primary elections of their respective parties, and shall be marked, counted, canvassed, returned and proclaimed in the same manner and under the same conditions, so far as the same are applicable, as the names of candidates for nomination for state and district offices.
[Formerly 249.600; amended by 1959 c.390 §1; 1961 c.170 §1; 1969 c.101 §1]

249.369 Making notations in poll book and on ballots when elector votes. (1) The stub number of each official primary election ballot given an elector to vote shall be recorded in the poll book opposite the name of the elector.

(2) In the case of an elector permitted by law to vote at the primary election in a precinct other than the one in which he is registered as residing, or in the case of a person permitted to vote only for the candidates referred to in ORS 247.410, the chairman of the election board shall determine which candidates the elector is qualified to vote for and shall make a notation of such determination upon the ballot given the elector and in the poll book opposite the name of the elector.

(3) If an elector whose name does not

appear in the poll book is permitted to vote, an election board clerk shall enter the name and residence address of such elector in the poll book.
[1957 c.608 §107; 1961 c.114 §10]

249.370 Entering total number voting at election and for each party in poll book; signing poll book by clerks. Immediately after the close of the polls at a primary election the names of the electors who voted shall be counted. The total number of electors voting at the election and the number voting for each major political party shall be written and certified in the poll book. The poll book shall be immediately signed by each of the election board clerks.
[Amended by 1957 c.608 §89]

249.375 Accounting for official ballots. (1) The official ballots as provided for in subsection (1) of ORS 249.358 shall be accounted for by each election board in the following manner:

(a) The number of official ballots initially delivered and the number of additional official ballots thereafter delivered to the precinct shall be posted on the face of the poll book.

(b) After the closing of the polls the election board shall, by an examination of the poll book, determine the number of official ballots voted and the number of official ballots spoiled. These totals shall be posted on the face of the poll book.

(c) After the closing of the polls the election board shall count the unused official ballots in its custody and shall enter this number on the face of the poll book. All unused official ballots and all official ballots which may have been spoiled shall be destroyed by tearing.

(d) In certifying the poll book as provided for in ORS 249.370 the chairman of the board and each clerk of the board also certifies as to the official ballot accounting as it appears on the face of the poll book.

(e) The chairman of the counting board, immediately after the tally of the votes, shall count the regular and absentee official ballots either tallied or completely rejected and enter the total number on the face of the poll book. This entry shall be certified as correct by the members of the counting board.

(2) Immediately after the close of the polls the county clerk shall destroy by tearing all unissued official absentee and regular ballots in his possession.
[1963 c.345 §§2, 3]

249.380 Tally and return sheets; disposition of election materials and supplies. (1) Tally and return sheets for each major political party having candidates to be voted for at the primary election shall be distributed to each election precinct by the county clerk at the same time and in the same manner that the ballots are furnished. The names and numbers of candidates shall be placed on the tally and return sheets. The names of write-in candidates shall be added to the tally and return sheets by the election board which keeps the sheets. The tally sheets and two copies of the return sheets shall be kept by the election board and shall contain the number and name of each candidate voted for, the particular office for nomination or election to which each candidate was voted for and the total number of votes cast for each candidate for nomination or election. The tally shall be audibly announced as it proceeds. The tally and return sheets, when completed, shall be certified correct by the election board which kept them.

(2) The election board, immediately after the completion of the counting of the ballots, shall post one copy of the return sheets in a prominent place outside the polling place and shall deliver to the county clerk, under seal, one copy of the return sheets, together with the tally sheets, ballots, ballot stubs, ballot boxes, written statements of challenge and other supplies.

(3) The county clerk shall keep the copy of the return sheets delivered to him on file in his office for two years after the date of the election. The county clerk shall destroy the ballots and ballot stubs not less than 90 days after the time for any contest that may arise as a result of the primary election at which the ballots and ballot stubs were used, unless otherwise ordered or restrained by some court.
[Amended by 1957 c.608 §90; 1961 c.139 §1]

249.385 County clerk to retain certain election materials and supplies. The tally sheets, ballots, ballot stubs, ballot boxes and written statements of challenge delivered to the county clerk as provided for in subsection (2) of ORS 249.380 shall be placed in a secure area and be held until called forth by reason of a contest of election or recount or until destroyed as provided for in subsection (3) of ORS 249.380.
[1963 c.337 §2]

249.390 [Repealed by 1957 c.608 §231]

249.400 [Amended by 1955 c.498 §12; repealed by 1957 c.608 §231]

249.410 Abstract of votes; notice to candidates nominated or elected. (1) As soon as possible after the primary election, the county clerk shall make abstracts of the votes, using the tally and return sheets delivered to him by the election boards. One representative of each major political party may attend and observe the abstract proceedings.

(2) Abstracts of votes for offices to be voted for in the state at large and in districts composed of one or more counties shall be on separate sheets for each major political party and shall be immediately delivered to the Secretary of State as required by ORS 249.460.

(3) Abstracts of votes for city offices shall be on separate sheets for each major political party and shall be immediately delivered to the city clerk, recorder or auditor, as the case may be.

(4) Abstracts of votes for county and precinct offices shall be on separate sheets for each major political party. The county clerk shall immediately certify the nominations and elections for each party and enter in the register of nominations the name of each of the candidates having the highest number of votes for nomination for or election to county and precinct offices. The county clerk shall mail a notice to each candidate nominated or elected.
[Amended by 1957 c.608 §91]

249.420 Unsuccessful county or precinct candidate not eligible as candidate at general election. No candidate for nomination to a county or precinct office who fails to receive the highest number of votes for the nomination of the major political party with which he was affiliated at the time of filing his petition for nomination or declaration of candidacy shall be entitled to be the candidate of any other political party or to become an independent candidate at the succeeding general election. In either case the county clerk shall not certify the name of such candidate.
[Amended by 1957 c.608 §92]

249.430 Procedure in case of tie vote for county or precinct office. When a tie exists between two or more candidates by reason of their having an equal and the highest number of votes for nomination or election by one major political party for or to the same county or precinct office, the county clerk shall immediately give notice to such candidates to attend at his office either in person or by attorney at a time fixed by the county clerk. At this meeting the candidates shall proceed publicly to decide by lot which of them shall be declared nominated or elected. The county clerk shall immediately enter in the register of nominations the name of the candidate thus nominated as though he had received the highest number of votes of his party.
[Amended by 1957 c.608 §93]

249.440 Compensation of election officials. On the receipt of the returns of any general primary election, the county clerk shall make out his certificate stating the compensation to which the election board clerks may be entitled for their services. He shall lay the certificate before the county court at its next term, and the county court shall order the compensation to be paid out of the county treasury.
[Amended by 1957 c.608 §94]

249.450 Person with highest number of votes nominated or elected. In all primary elections in this state, under the provisions of the primary election law, the candidate receiving the highest number of votes for nomination or election to any office shall be deemed to have been nominated or elected by his major political party for that office.
[Amended by 1957 c.608 §95]

249.460 Canvassing votes and proclaiming nominations to state and certain district offices. The county clerk, immediately after making the abstracts of votes given in his county, shall make a copy of each of the abstracts and send it by mail or other appropriate means to the Secretary of State not later than 20 days after the primary election. The Secretary of State shall, as soon as possible within 30 days after the primary election, canvass the votes for all officers to be voted for in the state at large or in a district composed of one or more counties. The Secretary of State shall grant a certificate of nomination to the candidate having the highest number of votes for each office and issue a proclamation declaring the nomination of each candidate by his party.
[Amended by 1957 c.608 §96; 1969 c.81 §1]

249.470 Unsuccessful state or district candidate not eligible as candidate at general election. No candidate for nomination

to an office to be voted for in the state at large or in a district composed of one or more counties who fails to receive the highest number of votes for the nomination of the major political party with which he was affiliated at the time of filing his petition for nomination or declaration of candidacy shall be entitled to be the candidate of any other political party or to become an independent candidate at the succeeding general election. In either case the Secretary of State shall not include in his proclamation any such candidate.
[Amended by 1957 c.608 §97]

249.480 Procedure in case of tie vote for state or district office. When a tie exists between two or more candidates by reason of their having an equal and the highest number of votes for nomination or election by one major political party for or to the same office to be voted for in the state at large or in a district composed of one or more counties, the Secretary of State shall immediately give notice to such candidates to attend at his office either in person or by attorney at a time fixed by the Secretary of State. At this meeting the candidates shall proceed publicly to decide by lot which of them shall be declared nominated or elected. The Secretary of State shall issue his proclamation declaring the nomination or election of the candidate so selected.
[Amended by 1957 c.608 §98]

249.490 [Repealed by 1957 c.608 §231]

249.491 Register of nominations. The Secretary of State, county clerk or city clerk, recorder or auditor, as the case may be, shall enter in a register of nominations:

(1) The name of each candidate nominated at the primary election.

(2) The office for which such candidate is nominated.

(3) The name of the major political party nominating such candidate.

(4) The date of the entry.
[1957 c.608 §99]

NATIONAL ELECTION PROCEDURE

249.505 Poll books for national elections. The names of individuals permitted to register to vote as provided in ORS 247.282 to 247.288 shall be included in poll books prepared for national elections only. These names may either be included in the body of the regular poll book, if identified as being eligible to vote a ballot limited to candidates for national offices, or a separate poll book may be prepared counting only the names of these individuals eligible to vote a ballot limited to candidates for national offices.
[1971 c.29 §3]

249.510 [Amended by 1957 c.608 §100; renumbered 249.366]

249.515 Ballots for national offices. Individuals permitted to register to vote as provided in ORS 247.282 to 247.288 shall be issued a ballot marked "National Offices Only." National offices include: (a) President, (b) Vice President, (c) Presidential Electors, (d) United States Senator, and (e) United States Representative.
[1971 c.29 §4]

249.520 [Repealed by 1957 c.608 §231]

249.525 Counting ballots for national offices. All ballots marked "National Offices Only" shall be counted for national offices only. If the names of persons on the ballots for other offices are voted, they shall not be counted.
[1971 c.29 §5]

249.530 [Amended by 1957 c.608 §101; renumbered 249.352]

249.535 Election laws generally applicable. All other provisions of Oregon law relating to voting shall apply to individuals permitted to register to vote as provided in ORS 247.282 to 247.288.
[1971 c.29 §6]

249.540 [Amended by 1957 c.608 §102; renumbered 249.358]

249.545 Rules. The Secretary of State shall promulgate such administrative rules as he deems necessary to accomplish ORS 249.505 to 249.535.
[1971 c.29 §2]

249.550 [Amended by 1957 c.608 §104; renumbered 249.354]

249.560 [Repealed by 1957 c.608 §231]

249.570 [Amended by 1957 c.608 §105; renumbered 249.362]

249.580 [Amended by 1957 c.608 §106; renumbered 249.364]

249.590 [Repealed by 1957 c.608 §231]

249.600 [Amended by 1957 c.608 §108; renumbered 249.368]

249.610 [Repealed by 1957 c.608 §231]

FILLING VACANCIES; WITHDRAWAL (MAJOR POLITICAL PARTIES)

249.650 United States Senator or state office voted for in state at large. (1) The state central committee of a major political party may:

(a) Fill a vacancy in the nomination of a candidate of such party for the office of United States Senator or for any state office to be voted for in the state at large.

(b) Nominate a candidate of such party to fill a vacancy in the office of the United States Senator or in any state office to be voted for in the state at large when such vacancy occurs on or after the day of the primary election or before the primary election but within such time that a candidate for the vacancy cannot be nominated at the primary election.

(2) For the purpose of filling a vacancy or nominating a candidate to fill a vacancy under subsection (1) of this section, the state central committee shall meet at the call of the chairman thereof. The person receiving a majority of the votes of the committee at the meeting shall be the nominee of the party to fill the vacancy. The chairman and secretary of the committee shall certify the name of the nominee to the Secretary of State. The Secretary of State shall place the name of the nominee on the ballot as though the nominee were nominated under any other law.
[1957 c.608 §82]

249.655 Representative in Congress. (1) The congressional committee of a major political party for a congressional district may:

(a) Fill a vacancy in the nomination of a candidate of such party for the office of Representative in Congress for the congressional district.

(b) Nominate a candidate of such party to fill a vacancy in the office of Representative in Congress for the congressional district when such vacancy occurs on or after the day of the primary election or before the primary election but within such time that a candidate for the vacancy cannot be nominated at the primary election.

(2) For the purpose of filling a vacancy or nominating a candidate to fill a vacancy under subsection (1) of this section, the congressional committee shall meet at the call of the chairman of the state central committee. The person receiving a majority of the votes of the committee at the meeting shall be the nominee of the party to fill the vacancy. The chairman and secretary of the committee shall certify the name of the nominee to the Secretary of State. The Secretary of State shall place the name of the nominee on the ballot as though the nominee were nominated under any other law.
[1957 c.608 §83]

249.660 State office to be voted at large in district composed of more than one county. (1) The district nominating committeemen of a major political party for a district composed of more than one county may:

(a) Fill a vacancy in the nomination of a candidate of such party for any state office to be voted for in the district at large.

(b) Nominate a candidate of such party to fill a vacancy in any state office to be voted for in the district at large when such vacancy occurs on or after the day of the primary election or before the primary election but within such time that a candidate for the vacancy cannot be nominated at the primary election.

(2) For the purpose of filling a vacancy or nominating a candidate to fill a vacancy under subsection (1) of this section, the district nominating committeemen shall meet at the call of the chairman of the state central committee. The state chairman shall select a time and place for the meeting and shall designate a temporary chairman. Upon meeting, the committeemen shall organize by electing a permanent chairman and secretary. A majority of the committeemen constitutes a quorum for the transaction of business. When a quorum is present any absent committeeman may vote by proxy. The person receiving a majority of the votes of the committee at the meeting shall be the nominee of the party to fill the vacancy. The chairman and secretary of the committee shall certify the name of the nominee to the Secretary of State. The Secretary of State shall place the name of the nominee on the ballot as though the nominee were nominated under any other law.
[1957 c.608 §84]

249.665 State office to be voted for in district composed of one county; county office; district or precinct office within a county. (1) The county central committee of a major political party may:

(a) Fill a vacancy in the nomination of a candidate of such party for any state office

to be voted for in a district composed of the one county, for any county office or for any district or precinct office within the county.

(b) Nominate a candidate of such party to fill a vacancy in any state office to be voted for in a district composed of the one county, in any county office or in any district or precinct office within the county when such vacancy occurs on or after the day of the primary election or before the primary election but within such time that a candidate for the vacancy cannot be nominated at the primary election.

(2) For the purpose of filling a vacancy or nominating a candidate to fill a vacancy under subsection (1) of this section, the county central committee shall meet at the call of the chairman thereof. The person receiving a majority of the votes of the committee at the meeting shall be the nominee of the party to fill the vacancy. The chairman and secretary of the committee shall certify the name of the nominee to the Secretary of State or county clerk, as the case may be. The Secretary of State or county clerk shall place the name of the nominee on the ballot as though the nominee were nominated under any other law.
[1957 c.608 §85]

249.670 City office. (1) The city central committee of a major political party may:

(a) Fill a vacancy in the nomination of a candidate of such party for any city office.

(b) Nominate a candidate of such party to fill a vacancy in any city office when such vacancy occurs on or after the day of the primary election or before the primary election but within such time that a candidate for the vacancy cannot be nominated at the primary election.

(2) For the purpose of filling a vacancy or nominating a candidate to fill a vacancy under subsection (1) of this section, the city central committee shall meet at the call of the chairman thereof. The person receiving a majority of the votes of the committee at the meeting shall be the nominee of the party to fill the vacancy. The chairman and secretary of the committee shall certify the name of the nominee to the city clerk, recorder or auditor, as the case may be. The city clerk, recorder or auditor shall place the name of the nominee on the ballot as though the nominee were nominated under any other law.
[1957 c.608 §86]

249.680 Withdrawal of candidacy by nominee. Any person who has been nominated at a primary election, or any person who has been nominated to fill a vacancy as provided in ORS 249.650 to 249.670, may cause his name to be withdrawn from nomination not later than the sixty-seventh day before the general election by filing with the officer with whom his declaration of candidacy or petition for nomination was filed a writing declining the nomination and stating the reason. The writing shall be signed and acknowledged by the candidate before some officer authorized by the laws of this state to take acknowledgments of deeds. It shall be certified by the acknowledging officer.
[1961 c.73 §2]

NOMINATION OF CANDIDATES BY METHOD OTHER THAN PRIMARY ELECTION

249.710 Nomination by certificate of nomination may be made by minor political party, assembly of electors and individual electors; definitions of "minor political party" and "assembly of electors." (1) Any minor political party, assembly of electors or individual registered electors in the number specified in ORS 249.740 may nominate one candidate for each public office to be filled at the general election by preparing and filing a certificate of nomination as provided in ORS 249.710 to 249.850.

(2) As used in ORS 249.710 to 249.850, "minor political party" means an affiliation of electors representing a political party or organization which:

(a) Polled for any one of its candidates for any public office in the state, county, precinct or other electoral district for which the nomination is made, at the last general election, at least five percent of the entire vote cast for Representative in Congress in such electoral district, or

(b) Files with the Secretary of State a petition with the signatures of at least a number of registered electors equal to five percent of the vote cast in the electoral district for which the nomination is made for all candidates for Representative in Congress at the last general election. The petition shall also state the intention to form a new political party and give the designation of it. The signatures on the petition shall be certified as to their genuineness by the county clerk in the same manner as provided in ORS 249.055.

(3) As used in ORS 249.710 to 249.850, "assembly of electors" means an organized body of not less than 1,000 registered electors of the state for a state-wide nomination, or an organized body of not less than 250 registered electors for a county, precinct or other electoral district nomination.
[Amended by 1957 c.608 §109; 1963 c.176 §1]

249.720 Information to be contained in every certificate of nomination. (1) All certificates of nomination shall state facts required by ORS 249.710 to 249.850 and also:

(a) The name of the candidate by which he is commonly known and by which he transacts his important private or official business. A candidate may use a nickname in parentheses in connection with his full name.

(b) The mailing address of the residence of the candidate.

(c) The office for which the candidate is nominated.

(d) The name of the minor political party, if any, which the candidate represents.

(e) If the candidate is nominated by an assembly of electors or individual registered electors, the word "independent."

(2) In the case of certificates of nomination of candidates for electors of President and Vice President of the United States, the names of the candidates for President and Vice President they represent may be added to the name of the minor political party or the word "independent," as the case may be. The names of all the candidates for electors of President and Vice President may be upon the same certificate of nomination.
[Amended by 1957 c.608 §110; 1961 c.336 §3]

249.730 Signing certificate of nomination made at convention; notice and proof of notice of meeting of assembly. (1) Every certificate of nomination made by a minor political party or assembly of electors shall be signed by the presiding officer and secretary of the nominating convention of the party or assembly of electors by which it purports to be made. An affidavit shall be made on it by the presiding officer and secretary and subscribed and sworn to or affirmed by them before some person authorized to administer oaths and affirmations. The certificate of the oath or affirmation shall accompany the certificate of nomination. The affidavit shall be to the effect that the statements in it are true, and in the case of nomination by an assembly of electors that not less than 1,000 registered electors of the state for a state-wide nomination, or not less than 250 registered electors of the county, precinct or other electoral district for which the nomination is made, were present at a public meeting at which the nomination was made and the candidate or candidates received the highest number of votes of the assembly for the office for which nominated.

(2) Not less than 10 days before the meeting of any assembly of electors, notice shall be published at least once in not less than three newspapers of general circulation in the state. The notice shall contain the time and place the assembly will meet, the office or offices for which nominations will be considered and the names of not less than 25 registered electors qualified to vote in the assembly who desire that it be held.

(3) Proof of publication of notice shall be made by affidavit of the owner, editor, publisher, manager, advertising manager, principal clerk of any of them, the printer or his foreman of the newspaper in which the notice is published. The affidavit shall show publication and shall be filed with the Secretary of State or county clerk with the certificate of nomination for each office for which a candidate is nominated at the assembly of electors.
[Amended by 1957 c.608 §111; 1963 c.176 §2]

249.740 Number of signers required on certificates of nomination made by individual electors; verification of signatures. (1) Certificates of nomination made by individual registered electors shall contain a number of signatures of registered electors equal to a percentage of the vote cast in the state, county, precinct or other electoral district for which the nomination is made, for candidates for presidential electors at the last general election, and based on the office sought, as follows:

(a) For any office to be voted for in the state at large or for Representative in Congress, not less than three percent.

(b) Except as otherwise provided in this subsection, for any office to be voted for in a district composed of one or more counties, a county office or a district office within a county, not less than five percent.

(c) For any precinct office or the office of constable, not less than 10 percent.

(d) For the office of justice of the peace, not less than 10 percent or not less than 100, whichever number is the lesser.

(2) Each elector signing a certificate of nomination made by individual registered

electors shall add the mailing address of his residence. Each elector may sign only one certificate of nomination for each office to be filled at the general election. Except in the case of certificates of nomination of candidates for electors of President and Vice President of the United States, every certificate of nomination made by individual registered electors shall contain the name of only one candidate.

(3) The signatures on each certificate of nomination made by individual registered electors shall be certified as to their genuineness by the county clerk in the same manner as provided in ORS 249.055.

[Amended by 1955 c.169 §5; 1957 c.608 §112; 1971 c.152 §1]

249.750 Candidacy for more than one office. No person shall be a candidate for more than one lucrative office to be filled at the same election. However, where a vacancy occurs wherein the unexpired term ends prior to the next primary or general election, the same person is eligible to nomination and election to both the unexpired and the succeeding terms. The name of the candidate may be placed on the ballot in both places.

[Amended by 1957 c.608 §113]

249.760 Acceptance of nomination; several certificates nominating the same person. A certificate of nomination may be accompanied by the acceptance of the nominee. If it is, the acceptance shall be indorsed upon the certificate of nomination and signed by the nominee, or it may be by a letter or telegram from the nominee attached to the certificate and filed with it. If the certificate of nomination is not accompanied by the acceptance, the nominee may at any time after the certificate is filed and before the time for filing nominations for the office has expired, file his acceptance in the same manner and in the same office where the certificate is filed. The officer with whom it is filed shall indorse it and attach it to the certificate of nomination to which it refers. Several different certificates of nomination may be filed nominating the same person for the same office and the person nominated may accept one or more of the nominations; but unless such nominee accepts a nomination in some one of the ways and within the time aforesaid, it shall not be considered as completed.

249.770 Filing certificates of nomination for state and other offices with Secretary of State. (1) All certificates of nomination of candidates for an office to be voted for in the state at large, or for state Senator or Representative in the Legislative Assembly, judge of the circuit court, district attorney or any other office in any other district composed of one or more counties, shall be filed with the Secretary of State not before the 15th day after the date of the primary election preceding the general election and not later than the 70th day before the date of the general election.

(2) If a certificate of nomination is made by an assembly of electors the names of the members of the assembly and the mailing address of the residence of each shall be entered of record by the secretary of the assembly in the minutes of the meeting. A copy of the minutes, certified by the secretary of the assembly, shall be filed with the Secretary of State along with the certificates of nomination.

[Amended by 1957 c.608 §114; 1971 c.749 §79]

249.780 Filing certificates of nomination for county and district or precinct offices with county clerk. All certificates of nomination of candidates for county offices and district or precinct offices within a county shall be filed with the county clerk not before the 15th day after the date of the primary election preceding the general election and not later than the 70th day before the date of the general election.

[Amended by 1957 c.608 §115; 1961 c.49 §2; 1971 c.749 §80]

249.790 Time for filing certificates of nomination for special elections. In the case of all special elections, certificates of nomination may be filed at any time between the date of the writ authorizing the election and 20 days before the time of holding the election, and in all other matters and proceedings therein the provisions of ORS 249.710 to 249.850 shall apply, so far as they are applicable.

249.810 Entries made in register of nominations upon filing certificates. (1) Immediately after each certificate of nomination is filed with him, the Secretary of State or county clerk shall enter in the register of nominations:

(a) The date when the certificate was filed with him.

(b) The name of each candidate.

(c) The office for which the candidate is nominated.

(d) The name of the minor political party or assembly of electors making the nomination, together with the names of the chairman and secretary certifying it.

(e) In case the certificate of nomination is made by individual registered electors, the total number of signatures thereto.

(2) As soon as an acceptance or withdrawal of a candidate is filed with the Secretary of State or county clerk it shall also be entered in the register of nominations.
[Amended by 1957 c.608 §116]

249.820 Certificates, acceptances and withdrawals are public records; furnishing copies. All certificates of nominations, acceptances and withdrawals, as soon as filed, shall be public records. They shall be open to public inspection under proper regulations. When a copy of any certificate of nomination, acceptance or withdrawal is presented at the time the original is filed, or at any time thereafter, and a request is made to have the copy compared and certified, the officer with whom the certificate of nomination was filed shall compare the copy with the original on file and, if necessary, correct the copy and certify and deliver it to the person who presented it.

249.830 Procedure for withdrawing a nomination. Any person who has been nominated and has accepted such nomination as provided in ORS 249.710 to 249.850 may cause his name to be withdrawn from nomination not later than the 67th day before the general election by filing with the officer with whom his certificate of nomination was filed a writing declining the nomination and stating the reason. Such writing shall be signed and acknowledged by the candidate before some officer authorized by the laws of this state to take acknowledgments of deeds. It shall be certified by the acknowledging officer. The withdrawal may be sent by telegram to the Secretary of State through a county clerk, as provided by ORS 249.850 in case of certificates of nomination to fill a vacancy.
[Amended by 1957 c.608 §117; 1967 c.86 §1]

249.840 Procedure for filling vacancies in nominations caused by death, disqualification or withdrawal. If the original certificate of nomination of a candidate who withdraws as provided in ORS 249.830, was made by a minor political party or assembly of electors and such party or assembly can reconvene, the party or assembly may fill the vacancy before the day fixed by law for the general election. If the party or assembly has delegated to a committee the power to fill vacancies, the committee may fill the vacancy. In every case where the original candidate dies, withdraws or becomes disqualified, certificates of nomination made by individual registered electors to fill the office may be filed with the proper officer before the day fixed by law for the general election. The certificate of nomination to fill the vacancy shall conform substantially with the requirements for an original certificate of nomination and shall be filed with the same officer as was the original certificate.
[Amended by 1957 c.608 §118]

249.850 Filing of certificate to fill vacancy in nomination; notifying proper officials to make changes in the ballots for the general election. (1) The certificate of nomination to fill the vacancy under ORS 249.840 may be filed directly with the proper officer or it may be presented in duplicate to any county clerk who shall file one of the certificates in his office and, upon being tendered the cost of transmitting it, immediately cause it to be telegraphed to the Secretary of State or city officer, as the case may be, and repeated back. The county clerk shall also immediately mail the duplicate certificate to the Secretary of State or city officer. The Secretary of State or city officer shall file the telegraph copy of the certificate the same as if it were the original and shall also file the duplicate when it arrives by mail.

(2) The Secretary of State or city officer shall, in certifying the nominations to the county clerks, omit the names of all candidates filed with him who die, withdraw or become disqualified. Instead he shall certify the names of the persons who have been selected to fill the vacancies. If he has already sent his certificate, he shall immediately certify to each county clerk, by telegraph if necessary, the name and residence of each candidate nominated to fill the vacancy, the office for which he is nominated, the minor political party or principle he represents and the name of the candidate for whom he is substituted. Every county clerk shall proceed thereafter in conformity with the later certification.
[Amended by 1957 c.608 §119]

249.860 Time within which assembly to complete business. The assembly of electors, as called in subsection (2) of ORS 249.730, shall organize and complete its business on the date published and no other.
[1963 c.176 §4]

PENALTIES

249.990 Penalties. Violation of ORS 249.364 is punishable, upon conviction, by a fine of not less than $250 nor more than $1,000, or imprisonment in the county jail for not less than three months nor more than one year, or both.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, 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, 1971.

Robert W. Lundy
Legislative Counsel