Chapter 249

1979 REPLACEMENT PART

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DEFINITIONS AND GENERAL PROVISIONS CONCERNING PRIMARY ELECTIONS

GENERAL PROVISIONS

249.002 Definitions. As used in this chapter:

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

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

(3) "Judge" means judge of the Supreme Court, Court of Appeals, circuit or district court or the Oregon Tax Court.

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

(5) "Nonpartisan office" means the office of judge, Superintendent of Public Instruction, justice of the peace or district attorney.

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

(7) "Public office" means any national, state, county, city or district office or position, except a political party office, filled by the voters.

(8) "State office" means Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, judge, state Senator, state Representative or district attorney. [1979 c.190 §94]

249.004 Verification of documents. (1) A filing officer may verify the validity of the contents of the documents filed with the officer under this chapter.

(2) When a copy of any election document filed under this chapter is presented to the filing officer with whom the original document was filed and a request is made to have the copy compared and certified, the filing officer shall compare the copy with the original and, if necessary, correct the copy and certify and deliver it to the person who presented it. [Formerly 249 014]

249.006 Official dating of petitions and declarations. Immediately upon filing, a nominating petition, declaration of candidacy, withdrawal, certificate of nomination or other document required to be filed under this chapter shall be dated and time stamped by the filing officer. [Formerly 249.130]

249.008 Verification of signatures by county clerk. (1) Except as provided in subsection (2) of this section, before a nominating petition, minor political party formation petition, minutes of an assembly of electors, or petition by individual electors is offered for filing, the county clerk of each county in which the signatures were secured shall compare the signatures of electors on the petition or minutes with the signatures of the electors on the voter registration cards. The county clerk shall attach to the petition or minutes a certificate stating the number of signatures believed to be genuine. The certificate is prima facie evidence of the facts stated in it. A signature not included in the number certified to be genuine shall not be counted by the officer with whom the petition is filed. No signature in violation of the provisions of this chapter shall be counted.

(2) If the total number of signatures presented to a county clerk for verification is 15,000 or more, the county clerk may use a statistical sampling technique authorized by the Secretary of State to verify the signatures. The sample shall be drawn from at least 100 percent of the number of signatures required for nomination. [Formerly 249 055]

249.009 Form of signature sheets for petitions. The Secretary of State by rule shall design the form of nominating or recall petitions, certificates of nomination by individual electors, minutes of an assembly of electors or minor political party formation petitions. [Formerly 246.180]

249.010 [Repealed by 1957 c.608 §231]

249.011 [1957 c.608 §65(1); repealed by 1979 c.190 §431]

249.012 Preservation of certain records. Certificates of nomination, acceptances and withdrawals shall be preserved for two years after the election to which they relate. [1979 c.190 §99]

249.013 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, when a vacancy occurs, the same person is eligible for 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. [Formerly 249.750]

249.014 [1961 c 64 §2, 1971 c 749 §76; 1979 c.190 §95; renumbered 249.004]

249.015 Candidate's statement of affiliation. A candidate shall not claim to be a member of a major political party of which the candidate is not a member. An unaffiliated candidate or a candidate for nonpartisan office shall not claim to be a member of any major political party in the candidate's candidacy. The unaffiliated candidate shall use only "independent," and the candidate for nonpartisan office shall use only "nonpartisan." [1979 c.190 §101]

MAJOR POLITICAL PARTY NOMINATIONS AND NOMINATIONS TO NONPARTISAN OFFICE (Generally)

249.016 Nomination of candidates of major political party or for nonpartisan office. A candidate of a major political party for public office or a candidate for nonpartisan office shall be nominated only in the manner provided in ORS 249.016 to 249.205. [1957 c 608 §65(2), 1979 c 190 §102]

249.020 Filing of candidates' nominating petition or declaration of candidacy. (1) An eligible elector may become a candidate for nonpartisan office, or for the nomination to an office by the major political party of which the elector is a member, by filing a nominating petition or a declaration of candidacy.

(2) At the time of filing, a declaration of candidacy shall be accompanied by the filing fee specified in ORS 249.056.

(3) At the time of filing, a nominating petition shall contain the signature sheets described under ORS 249.064. [Amended by 1957 c.608 §66; 1975 c 779 §17, 1979 c 190 §103]

249.025 [1973 c.283 §2; repealed by 1979 c.190 §431]

249.030 [Repealed by 1957 c 608 §231]

249.031 Contents of petition or declaration. (1) A nominating petition or declaration of candidacy shall contain:

(a) The name by which the candidate is commonly known. A candidate may use a nickname in parentheses in connection with the candidate's full name.

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

(c) The office and department or position number, if any, for which the candidate seeks nomination.

(d) If the candidate is seeking the nomination of a major political party, the name of the major political party of which the candidate will have been a member, subject to the exceptions stated in ORS 249.046, during at least 180 days before the date the petition or declaration is filed.

(e) If the candidate for an office other than precinct committeeperson or a nonpartisan office desires, a statement of 12 words or less of any measure or principles the candidate especially advocates or of the candidate's qualifications for office. The petition or declaration for a nonpartisan county office may contain such a statement of 12 words or less. The petition or declaration for a nonpartisan office other than Superintendent of Public Instruction or judge of the Oregon Tax Court may contain a statement of not more than 10 words of the candidate's qualifications and experience. A statement under this paragraph shall not specify indorsement by any political party or other organization.

(f) If the candidate is seeking the nomination for judge of the Oregon Tax Court and is the regularly elected or appointed judge of that court, and if that candidate wishes, the word "incumbent."

(g) A statement that the candidate is willing to accept the nomination or election or, regarding a candidate for precinct committeeperson, that the candidate accepts the office if elected.

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

(i) If the candidate is seeking the nomination of a major political party, a statement that the candidate, if not nominated, will not accept the nomination or indorsement of any political party other than the one of which the candidate is a member on the date the petition or declaration is filed.

(j) The signature of the candidate.

(2) A declaration of candidacy shall include a statement that the required fee is included with the declaration.

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

(4) If required by the national rules of the major political party, the declaration of a candidate for election as a precinct committeeperson shall include the name of the individual the candidate supports for President of the United States or "uncommitted" or "no preference." [1957 c.608 §68; 1961 c.336 §1, 1961 c.667 §5, 1969 c.245 §1; 1975 c 779 §18; 1979 c 190 §104]

249.035 Filing officer. A nominating petition or declaration of candidacy relating to a candidate for:

(1) State office, United States Senator or Representative in Congress shall be filed with the Secretary of State.

(2) County office shall be filed with the county clerk.

(3) City office shall be filed with the chief city elections officer.

(4) Any other office shall be filed under ORS 253.005 to 253.640. [1979 c.190 §105]

249.037 Time for filing petition or declaration. A nominating petition or declaration of candidacy shall be filed not sooner than the 250th day and not later than the 70th day before the date of the primary election. [Formerly 249.060]

249.040 [Repealed by 1957 c.608 §231]

249.041 [1957 c.608 §69; 1975 c 779 §19, 1979 c.190 §113; renumbered 249.068]

249.042 Declaration or petition as evidence of candidacy. When an elector files with the appropriate filing officer a signed copy of the elector's prospective petition for nomination under ORS 249.061, or a declaration of candidacy, it shall be conclusive evidence that the elector is a candidate for nomination or election by the elector's political party or to the nonpartisan office stated in the petition or declaration. [1979 c 190 §107]

249.046 Party membership required for nomination of party. If a candidate has not been a member of the major political party for at least 180 days before the date the nominating petition or declaration of candidacy is filed, the candidate shall not be entitled to receive the nomination of that major political party. A temporary lapse of registration because of change of residence, or a change in the candidate's name through marriage, shall not constitute a lapse of membership in the party if, immediately before this temporary lapse of registration, the candidate was a member of the party and was not a member of any other political party within the 180 days preceding the date on which the candidate filed the nominating petition or declaration of candidacy. The requirement that the candidate be qualified by length of membership does not apply to any candidate whose 18th birthday falls within the period of 180 days or to a write-in candidate. [1979 c.190 §108]

249.048 Unsuccessful candidate not eligible as candidate. No candidate for nomination of a major political party to a public office who fails to receive the nomination shall be entitled to be the candidate of any other political party or to become an independent candidate for the same office at the succeeding general election. The filing officer shall not certify the name of such a candidate. [Formerly 249.420]

249.050 [Repealed by 1957 c.608 §231]

249.051 [1957 c 608 §70; 1979 c.190 §115; renumbered 249.076]

249.055 [1957 c.608 §71, 1959 c 177 §1; 1977 c.508 §4; 1979 c.190 §97; renumbered 249.008]

(Declarations of Candidacy)

249.056 Filing fees. (1) At the time of filing a declaration of candidacy a candidate for the following offices shall pay to the officer with whom the declaration is filed the following fee:

(a) United States Senator, $150.

(b) Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, Representative in Congress, judge of the Supreme Court, Court of Appeals or Oregon Tax Court, or executive officer of a metropolitan service district under ORS chapter 268, $100.

(c) County office, district attorney, circuit court judge or district court judge, $50.

(d) State Senator or Representative or councilor of a metropolitan service district under ORS chapter 268, $25.

(e) National committeeman or national committeewoman, $15.

(2) No filing fee shall be required of persons filing a declaration of candidacy for precinct committeeperson. [Formerly 249.271]

249.060 [Amended by 1957 c 608 §72; 1971 c 749 §77, 1973 c 827 §24c; 1979 c.190 §106; renumbered 249.037]

(Nominating Petitions)

249.061 One candidate per petition; prospective petition. (1) No petition for nomination shall contain the name of more than one candidate.

(2) Before circulating a nominating petition, the candidate shall deliver to the officer with whom the petition will be filed, a copy of the prospective petition signed by the candidate. [1979 c.190 §111]

249.064 Information required on petition; certification of petition. (1) A nominating petition of a candidate seeking the nomination of a major political party shall contain a statement that each elector whose signature appears on the petition is a member of the same major political party as is the candidate.

(2) A nominating petition of any candidate shall contain the number of signatures of electors required by ORS 249.068 or 249.072 and the residence address and name or number of the precinct, if known, of each elector whose signature appears.

(3) The signatures contained in the nominating petition shall be certified for genuineness by the county clerks under ORS 249.008. [1979 c.190 §112]

249.068 Requirements regarding number and distribution of persons signing partisan petitions. (1) Except as otherwise provided for a candidate for national committeeman or committeewoman in ORS 248.160 or for a candidate for nonpartisan office in ORS 249.072, a nominating petition for an office to be voted for in the state at large or for a candidate for Representative in Congress shall contain signatures of members of the same major political party as the candidate. There shall be at least 1,000 signatures or the number of signatures at least equal to two percent of the vote cast in the state or congressional district, as the case may be, for the candidates of that major political party for presidential electors at the last presidential election, whichever is less. If the office is one to be voted for in the state at large the signatures shall include those of electors registered in 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 electors registered in at least one-tenth of the precincts in each of at least one-fourth of the counties in the congressional district.

(2) Except as otherwise provided for a candidate for national committeeman or committeewoman in ORS 248.160 or for a candidate for nonpartisan office in ORS 249.072, a nominating petition for an office not provided for in subsection (1) of this section shall contain the signatures of electors who are members of the same major political party as the candidate. There shall be at least 500 signatures or the number of signatures at least equal to two percent of the vote in the electoral district for the candidates of that major political party for presidential electors at the last presidential election, whichever is less. If the office under this subsection is to be voted for in more than one county, the signatures shall include those of electors registered in at least one-eighth of the precincts in each of at least two of the counties. If the office is to be voted for in only one county or in a city, the signatures shall include those of electors registered in at least one-fifth of the precincts in the county or city. [Formerly 249.041]

249.070 [1957 c.608 §73; 1979 c.190 §231; renumbered 254.076]

249.072 Requirements regarding number and distribution of persons signing nonpartisan petitions. (1) If the nonpartisan office is to be voted for in the state at large, the nominating petition shall contain at least 1,000 signatures of electors, or a number of signatures of 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 election at which such a judge was elected, whichever is less. The signatures shall include those of electors registered in each of at least one-tenth of the precincts in each of at least seven counties.

(2) The nominating petition for a nonpartisan office not provided for in subsection (1) of this section shall contain at least 500 signatures of electors in the electoral district, or a number of signatures of electors equal to at least two percent of the vote cast in the electoral district for the candidate for judge of the Supreme Court who received the highest vote at the last election at which such a judge was elected, whichever is less. If an office under this subsection is to be voted for in more than one county, the signatures shall include those of electors registered in each of at least one-eighth of the precincts in each of at least two of the counties. If the office is to be voted for in only one county or in a city, the signatures shall include those of electors registered in

each of at least one-fifth of the precincts in the county or city. [Formerly 252.810]

249.076 Qualifications of signers of petitions. No person who is not a member of the same major political party as the candidate for nomination by the major political party may sign the nominating petition of the candidate. However, any elector may sign a nominating petition or certificate of nomination of any candidate for nonpartisan office or independent candidate after the primary election and before the general election, and an elector may sign nominating petitions for more than one candidate for the same office. [Formerly 249.051]

(Nomination of Presidential Candidate by Major Political Party)

249.078 Nomination of presidential candidate by major party. (1) The name of a candidate for a major political party nomination for President of the United States shall be printed on the ballot or ballot label only:

(a) By direction of the Secretary of State who in the secretary's sole discretion has determined that the candidate's candidacy is generally advocated or is recognized in national news media; or

(b) By nominating petition described in this section and filed with the Secretary of State.

(2) A petition nominating a candidate under this section shall contain the signatures of at least 4,000 electors who are members of the major political party of the candidate, at least 1,000 of whom are registered in each congressional district. The electors in each congressional district shall include electors registered in at least one-tenth of the precincts in each of at least one-fourth of the counties in the congressional district. The petition shall contain the printed name, residence address and name or number of the precinct, if known, of each elector whose signature appears on the petition. The signatures shall be certified for genuineness by the county clerks under ORS 249.008. Before circulating the petition, the chief sponsor shall file with the Secretary of State a signed copy of the prospective petition. [1979 c 190 §116]

249.080 [Repealed by 1957 c 608 §231]

(Special Provisions: Nominations to Nonpartisan Office)

249.085 Single candidate to be nominee for nonpartisan office. When a nominating petition or declaration of candidacy is filed by only one candidate for a nonpartisan office, other than judge of the Supreme Court, Court of Appeals, circuit or district court or the Oregon Tax Court, the candidate shall be the nominee for the office and the name of the candidate shall not be printed on the ballot or ballot label at the nominating election. [1979 c.190 §117; 1979 c.451 §4; 1979 c.587 §2]

249.088 Determining number of nominees. (1) Except as provided in subsection (2) of this section, at the nominating election held on the date of the primary election, two candidates shall be nominated for the nonpartisan office. However, when a candidate receives a majority of the votes cast for the office at the nominating election, that candidate alone is nominated.

(2) If a candidate for the office of judge of the Supreme Court, Court of Appeals, circuit or district court or the Oregon Tax Court, other than a candidate to fill a vacancy, receives a majority of the votes cast for the office at the nominating election, that candidate is elected. [1979 c.190 §118; 1979 c.451 §5; 1979 c.587 §3]

249.090 [Amended by 1957 c.608 §74; 1975 c.766 §5; 1977 c.829 §6; repealed by 1979 c.190 §431]

249.100 [Amended by 1975 c.675 §11; repealed by 1979 c.190 §431]

249.110 [Amended by 1957 c.608 §75; 1961 c.121 §1; 1975 c.675 §12; repealed by 1979 c.190 §431]

249.120 [Repealed by 1957 c.608 §231]

249.130 [1967 c.126 §3; 1979 c.190 §96; renumbered 249.006]

249.150 [Formerly 249.280; 1973 c.827 §24d; 1975 c.675 §13; repealed by 1979 c.190 §431]

(Withdrawal Before Nomination)

249.160 Filing petition or declaration for lucrative office without prior withdrawal invalid. (1) No person shall file a nominating petition or declaration of candidacy for more than one lucrative office before the date of the primary election unless the person first files a written withdrawal, under ORS 249.170, of the person's initial filing.

(2) If at any time before the date of the primary election it is determined that a person has filed two or more nominating petitions or declarations of candidacy for any lucrative office without written withdrawal or withdrawals intervening, all such filings shall be invalid and any other filing made by the same person shall be void. [1967 c.126 §§2, 4; 1979 c.190 §119]

249.170 Withdrawal of candidacy; refund of filing fee. (1) A candidate who has filed a declaration of candidacy or a nominating petition may withdraw not later than the 67th day before the date of the primary election by filing a statement of withdrawal with the filing officer with whom the declaration or petition was filed. The statement shall be made under oath and state the reasons for withdrawal.

(2) The official with whom a declaration of candidacy is filed, upon request received not later than the 67th day before the date of the primary election, shall refund the filing fee of a candidate who dies, withdraws or becomes ineligible for the nomination. [1979 c.190 §120]

(Withdrawal From Nomination)

249.180 Withdrawal of candidacy by nominee. Any person who has been nominated at a nominating or primary election, or any person who has been nominated to fill a vacancy as provided in ORS 188.120 or 249.190 and 249.200, may withdraw from nomination by filing a written statement declining the nomination and stating the reason for withdrawal. The statement shall be signed by the candidate and filed not later than the 67th day before the general election with the officer with whom the candidate's declaration of candidacy or nominating petition was filed. The statement shall be certified by the filing officer. [Formerly 249.680]

(Filling Vacancy in Nomination or Office)

249.190 Filling vacancy in nomination of major party. (1) A vacancy in the nomination of a major political party candidate may be filled before the date of the general election by that political party in a manner prescribed by party rule.

(2) Immediately after selecting a new nominee, the party, by the most expeditious means practicable, shall notify the filing officer with whom a declaration of candidacy for the office is filed of the name of the nominee. [1979 c.190 §122]

249.200 Nomination by major party to fill vacancy in state-wide office. (1) A major political party may nominate a candidate to fill a vacancy in a partisan elective office other than those specified in subsection (2) of this section in the following manner:

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

(b) If the vacancy occurs after the 70th day before the primary election but before the 20th day before the general election, by selecting a nominee as provided by party rule.

(2) Subsection (1) of this section shall not apply to a vacancy in:

(a) The office of Representative in Congress filled under ORS 188.120;

(b) State legislative office filled under ORS 171.050 to 171.064;

(c) County office filled under ORS chapter 236; or

(d) City office filled under ORS chapter 221.

(3) A party that selects a nominee under paragraph (b) of subsection (1) of this section, immediately after the nomination, shall notify the filing officer with whom a declaration of candidacy for the office is filed of the name of the nominee by the most expeditious means practicable. [1979 c 190 §123]

249.205 Filling vacancy in nonpartisan office. If a candidate nominated to a nonpartisan office dies, withdraws or becomes ineligible, or if a vacancy occurs in the nonpartisan office after the 70th day before the nominating election and before the general election, a candidate for the office shall be nominated by petition of individual electors or assembly of electors as provided for the nomination of an independent candidate. The certificate of nomination of a candidate nominated under this section may contain a statement of not more than 10 words of the candidate's qualifications and experience. If such statement was included in the certificate of nomination, it shall be placed on the general election ballot after the name of the candidate. [Formerly 252.060]

249.210 [Amended by 1957 c.608 §76; 1975 c.675 §14; 1975 c 779 §20a; repealed by 1979 c 190 §431]

249.220 [Repealed by 1957 c.608 §231]

249.221 [1957 c 608 §78; 1961 c.336 §2; 1961 c.667 §6; 1969 c.245 §2; 1975 c.779 §21; repealed by 1979 c.190 §431]

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 [Amended by 1957 c.608 §79; 1971 c.749 §78; repealed by 1979 c 190 §431]

249.270 [Repealed by 1957 c.608 §231]

249.271 [1957 c.608 §80; 1973 c.152 §1; 1975 c.779 §22; 1977 c.665 §9; 1979 c.190 §110; renumbered 249.056]

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

249.310 [Repealed by 1979 c 190 §431]

249.320 [Amended by 1957 c.608 §87; repealed by 1979 c.190 §431]

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

249.340 [Amended by 1965 c.417 §1; repealed by 1979 c.190 §431]

249.350 [Amended by 1957 c.608 §88; 1961 c.121 §2; repealed by 1979 c.190 §431]

249.352 [Formerly 249.530; 1961 c.121 §3; repealed by 1979 c 190 §431]

249.354 [Formerly 249.550; 1963 c.174 §1; subsection (7) enacted as 1967 c.26 §2; 1969 c.245 §3; 1973 c.154 §2; 1975 c.779 §23; 1977 c.508 §5; 1979 c.190 §235; 1979 c.409 §1; renumbered 254.115]

249.356 [1957 c.608 §103; 1961 c.68 §1; 1975 c.675 §15; repealed by 1979 c.190 §431]

249.358 [Formerly 249.540; 1961 c.74 §1; 1967 c.340 §1; repealed by 1979 c.190 §431]

249.360 [Repealed by 1957 c.608 §231]

249.362 [Formerly 249.570; 1979 c.190 §239; renumbered 254.155]

249.364 [Formerly 249.580; 1979 c.190 §388; renumbered 260.675]

249.366 [Formerly 249.510; 1979 c.190 §259; renumbered 254.365]

249.367 [1969 c.101 §3; 1977 c.829 §7; repealed by 1979 c.190 §431]

249.368 [Formerly 249.600; 1959 c.390 §1; 1961 c.170 §1; 1969 c.101 §1; repealed by 1979 c.190 §431]

249.369 [1957 c.608 §107; 1961 c.114 §10; 1977 c.352 §3; repealed by 1979 c.190 §431]

249.370 [Amended by 1957 c.608 §89; repealed by 1979 c.190 §431]

249.375 [1963 c.345 §§2, 3; repealed by 1979 c.190 §431]

249.380 [Amended by 1957 c.608 §90; 1961 c.139 §1; repealed by 1979 c.190 §431]

249.385 [1963 c.337 §2; repealed by 1979 c 190 §431]

249.390 [Repealed by 1957 c.608 §231]

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

249.410 [Amended by 1957 c.608 §91; repealed by 1979 c.190 §431]

249.420 [Amended by 1957 c.608 §92; 1979 c.190 §109; renumbered 249.048]

249.430 [Amended by 1957 c.608 §93; repealed by 1979 c.190 §431]

249.440 [Amended by 1957 c.608 §94; repealed by 1979 c.190 §431]

249.450 [Amended by 1957 c.608 §95; repealed by 1979 c.190 §431]

249.460 [Amended by 1957 c.608 §96; 1969 c.81 §1; 1975 c.675 §16; repealed by 1979 c.190 §431]

249.470 [Amended by 1957 c.608 §97; 1975 c.675 §17; repealed by 1979 c.190 §431]

249.480 [Amended by 1957 c.608 §98; 1975 c.675 §18; repealed by 1979 c.190 §431]

249.490 [Repealed by 1957 c.608 §231]

249.491 [1957 c 608 §99; 1979 c.190 §278; renumbered 254.565]

249.505 [1971 c.29 §3; repealed by 1973 c.125 §1]

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

249.515 [1971 c.29 §4; repealed by 1973 c.125 §1]

249.520 [Repealed by 1957 c.608 §231]

249.525 [1971 c.29 §5; repealed by 1979 c.190 §431]

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

249.535 [1971 c.29 §6; repealed by 1973 c 125 §1]

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

249.545 [1971 c.29 §2; repealed by 1979 c.190 §431]

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]

249.640 [1975 c.779 §24; 1977 c.829 §8; repealed by 1979 c.190 §431]

249.650 [1957 c.608 §82; repealed by 1975 c.799 §28]

249.652 [1973 c.527 §5; repealed by 1975 c.799 §28]

249.654 [1973 c 527 §§6,7,8; 1975 c.779 §25; 1979 c 190 §394, renumbered 188.120]

249.655 [1957 c 608 §83, repealed by 1973 c.527 §10]

249.656 [1973 c.527 §9; repealed by 1975 c.799 §28]

249.660 [1957 c.608 §84; 1973 c.773 §6; repealed by 1975 c.799 §28]

249.665 [1957 c.608 §85, 1973 c.773 §7; repealed by 1975 c.799 §28]

249.670 [1957 c 608 §86; repealed by 1975 c 799 §28]

249.680 [1961 c 73 §2; 1975 c.779 §26; 1979 c.190 §121; renumbered 249.180]

NOMINATION OF CANDIDATES TO PARTISAN OFFICE BY OTHER THAN MAJOR POLITICAL PARTY

(General Provisions)

249.705 Nomination by other than major party. A minor political party, assembly of electors or individual electors may nominate one candidate for each partisan public office to be filled at the general election by preparing and filing a certificate of nomination as provided in ORS 249.712 to 249.850. [1979 c.190 §125]

249.710 [Amended by 1957 c.608 §109; 1963 c.176 §1; 1977 c.829 §9, repealed by 1979 c.190 §431]

249.712 Acceptance of nomination. (1) To complete a nomination, the nominee must accept the nomination.

(2) The acceptance of the nominee may be indorsed upon the certificate of nomination and signed by the nominee, or it may be indorsed by a letter or telegram from the nominee attached to the certificate and filed with it. If the acceptance does not accompany the certificate of nomination, the nominee, at any time after the certificate is filed and before the time for filing nominations for the office has expired, may file an acceptance in the same manner and in the same office where the certificate is filed. The officer with whom the acceptance is filed shall indorse it and attach it to the certificate of nomination to which it refers. [Formerly 249.760]

249.715 [1977 c 324 §2; 1979 c.190 §130; renumbered 249 735]

249.720 Information to be contained in certificate of nomination. (1) A certificate of nomination shall state:

(a) The name by which the candidate is commonly known. A candidate may use a nickname in parentheses in connection with the full name.

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

(c) The office, and department or position number if any, for which the candidate is nominated.

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

(e) If the candidate is nominated for a partisan office by an assembly of electors or individual electors, the word "independent" and a statement that the candidate has not been a member of a major or minor political party during at least 180 days before the date the certificate of nomination is filed.

(2) For 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 the candidates 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 of a minor political party, or independent candidates, for electors of President and Vice President may be upon the same certificate of nomination.

(3) A 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. An affidavit shall be made on the certificate by the presiding officer and secretary and sworn to or affirmed by them before a notary public. The affidavit shall be that the statements in the certificate of nomination and related documents are true. With respect to an assembly of electors, the affidavit shall state that the assembly satisfied the requirements of ORS 249.735. [Amended by 1957 c.608 §110; 1961 c.336 §3; 1973 c.841 §2; 1975 c. 678 §24; 1979 c.190 §127]

249.722 Filing of certificate. (1) Except as provided in subsection (3) of this section, a certificate of nomination of a candidate for public office shall be filed not sooner than the 15th day after the date of the primary election and not later than the 70th day before the date of the general election.

(2) A certificate of nomination of a candidate for:

(a) State office, United States Senator or Representative in Congress shall be filed with the Secretary of State.

(b) County office shall be filed with the county clerk.

(c) City office shall be filed with the chief city elections officer.

(3) For a special election, including an election to fill a vacancy which occurs after the 70th day before the general election, a certificate of nomination must be filed before the 20th day preceding the election. [1979 c.190 §128]

249.730 [Amended by 1957 c.608 §111; 1963 c.176 §2; 1977 c.324 §3; repealed by 1979 c.190 §431]

(Nomination by Minor Political Party)

249.732 Qualification as minor party. Qualification as minor party. An affiliation of electors becomes a minor political party:

(1) When it has filed with the Secretary of State a petition with the signatures of at least a number of 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 also shall state the intention to form a new political party and give the designation of it. The signatures on the petition shall be certified for genuineness by the county clerk under ORS 249.008. Before circulating the petition, the chief sponsor of the petition shall file with the Secretary of State a signed copy of the prospective petition; or

(2) When it has polled for any one of its candidates for any public office in the state, county 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 the electoral district. [1979 c.190 §129]

(Nomination by Assembly of Electors)

249.735 Qualification as assembly of electors; records; nomination by assembly. (1) An assembly of electors is an organized body of not less than 1,000 electors of the state for a state-wide nomination, or not less than 250 electors of the county or any other district for which the nomination is made.

(2) An assembly of electors shall nominate candidates at a nominating convention. The convention shall be held in one day and last not longer than 12 hours. The signature, printed name and residence mailing address of each member of the assembly shall be recorded at the convention and entered of record in the minutes by the secretary of the assembly. The candidate receiving the highest number of votes of the assembly for the office shall be the nominee of the assembly.

(3) Not later than the 10th day before the meeting of an assembly of electors, notice shall be published at least once in not less than three newspapers of general circulation within the electoral district for which the nomination will be made. 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 electors qualified to vote in the assembly who desire that it be held.

(4) Proof of publication of notice in subsection (3) of this section shall be made by affidavit of the owner, editor, publisher, manager, advertising manager, principal clerk of any of them, or the printer or printer's foreman of the newspaper in which the notice is published. The affidavit shall show publication and shall be filed with the filing officer with the certificate of nomination.

(5) The signatures of assembly members entered in the minutes shall be certified by the county clerk under ORS 249.008. A copy of the minutes, certified by the secretary of the assembly, and the certificate of the county clerk shall be filed with the filing officer with the certificate of nomination. [Formerly 249.715]

(Nomination by Individual Electors)

249.740 Certificates of nomination made by individual electors; verification of signatures. (1) A certificate of nomination made by individual electors shall contain a number of signatures of electors in the electoral district equal to the following percentage of the total votes cast in the electoral district for which the nomination is intended to be made, for all candidates for presidential electors at the last general election:

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

(b) For any other office, not less than five percent.

(2) Each elector signing a certificate of nomination made by individual electors shall include the residence mailing address of the

elector. Except for a certificate of nomination of candidates for electors of President and Vice President of the United States, a certificate of nomination made by individual electors shall contain the name of only one candidate.

(3) Before beginning to circulate the certificate of nomination, the chief sponsor of the certificate shall file a signed copy of the prospective certificate with the filing officer referred to in ORS 249.722. As used in this subsection "prospective certificate" means the information, except signatures and other identification of certificate signers, required to be contained in a completed certificate of nomination.

(4) The signatures contained in each certificate of nomination made by individual electors shall be certified for genuineness by the county clerk under ORS 249.008. [Amended by 1955 c.169 §5; 1957 c.608 §112; 1971 c.152 §1; 1977 c.829 §10; 1979 c.190 §131]

249.750 [Amended by 1957 c.608 §113; 1979 c.190 §100; renumbered 249 013]

249.760 [Amended by 1979 c.190 §126; renumbered 249.712]

249.770 [Amended by 1957 c.608 §114; 1971 c.749 §79; 1977 c.324 §4; repealed by 1979 c 190 §431]

249.780 [Amended by 1957 c.608 §115; 1961 c.49 §2; 1971 c.749 §80; 1977 c.324 §5, repealed by 1979 c.190 §431]

249.790 [Amended by 1977 c.829 §11; repealed by 1979 c.190 §431]

(Register of Nominations)

249.810 Entries in register of nominations upon filing certificates. (1) Immediately after each certificate of nomination is filed, the filing officer shall enter in the register of nominations:

(a) The date the certificate was filed.

(b) The name of each candidate.

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

(d) When applicable, the name of the minor political party or identification of the assembly of electors making the nomination, and the names of the chairman and secretary certifying it.

(e) If the certificate of nomination is made by individual electors, the total number of certified signatures contained in the certificate.

(2) As soon as an acceptance or withdrawal of a candidate is filed with a filing officer, it shall be entered in the register of nominations. [Amended by 1957 c.608 §116; 1979 c.190 §132]

249.820 [Repealed by 1979 c.190 §431]

(Withdrawals; Filling Vacancies)

249.830 Procedure for withdrawing a nomination. Any person who has been nominated and has accepted the nomination under ORS 249.712 may withdraw from nomination not later than the 67th day before the general election by filing with the officer with whom the certificate of nomination was filed a written statement declining the nomination and stating the reason for withdrawal. The statement shall be signed and acknowledged by the candidate before a notary public. The withdrawal may be sent to the Secretary of State through a county clerk, as provided by ORS 249.850. [Amended by 1957 c.608 §117; 1967 c.86 §1; 1979 c 190 §133]

249.840 [Amended by 1957 c.608 §118; repealed by 1979 c.190 §431]

249.842 Filling vacancy in nomination. (1) At any time before the date of the general election, a vacancy in a nomination made by a minor political party or assembly of electors may be filled by:

(a) Reconvening the party or assembly which made the original nomination to select a new nominee; or

(b) A committee to whom the party or assembly at its convention delegated the authority to fill vacancies.

(2) An assembly of electors may reconvene under subsection (1) of this section only at the call of the chairman of the original assembly. An assembly will be considered the assembly which made the original nomination if the chairman and secretary are the same as those of the original assembly.

(3) At any time before the date of the general election, a vacancy in a nomination made by individual electors may be filled by filing a new certificate of nomination. The certificate of nomination to fill the vacancy shall conform with the requirements of ORS 249.720 and 249.740. [1979 c 190 §134]

249.850 Filing of certificate to fill vacancy in nomination; notifying proper officials to make changes in general elec-

tion ballots. (1) The certificate of nomination to fill the vacancy under ORS 249.842, may be filed directly with the officer with whom the certificate of nomination of the original candidate was filed, or it may be presented in duplicate to any county clerk who shall file one of the certificates in the clerk's office, immediately notify the appropriate filing officer of the nomination and send the duplicate certificate to the officer by the most expeditious method practicable.

(2) Upon receipt of notification that a vacancy has been filled, the filing officer shall certify the name of the person selected to fill the vacancy to be included on the ballot. If the certification of candidates has already been sent to the county clerk, the Secretary of State or city filing officer immediately shall give written certification of the new candidate to each county clerk responsible for preparing ballots on which the office will appear. The certification shall state the name and residence of the candidate nominated to fill the vacancy, the office for which the nomination was made, the name of the minor political party the candidate represents or the name of the chairman of the assembly nominating the candidate, and the name of the person for whom the candidate is substituted. Upon receipt of the certification, the county clerk shall place the new candidate's name on the ballot. [Amended by 1957 c.608 §119; 1975 c.675 §19; 1979 c.190 §135]

249.860 [1963 c.176 §4; repealed by 1979 c.190 §431]

RECALL OF PUBLIC OFFICER

249.865 Filing prospective petition; contents of petition. (1) Pursuant to section 18, Article II of the Oregon Constitution, an elector may file a petition demanding the recall of a public officer. Before the petition is circulated for signatures, the sponsor of the petition shall file with the officer authorized to order the recall election:

(a) A copy of the prospective petition signed by the sponsor;

(b) A sworn statement of organization conforming, where applicable, to ORS 260.042 of the political committee the sponsor represents, if any; and

(c) A statement conforming to ORS 260.083 of contributions received and expenditures made by or on behalf of the sponsor and political committee the sponsor represents, if any, to this date.

(2) Each sheet of the recall petition shall contain:

(a) The words "Petition for recall of (name and title of officer)" and the date of the filing under subsection (1) of this section; and

(b) The name and address of the treasurer of the sponsoring political committee, or if there is not a sponsoring committee, the name and address of the sponsor. [1979 c.190 §136]

249.870 "Preceding election" explained; percentage of electors required. The "preceding election" upon which the requisite number of recall petition signers shall be based is the preceding general election. The requisite number of signers is 25 percent of the total votes cast in the electoral district for all candidates for judge of the Supreme Court for that position for which the greatest number of votes were cast at the election. [Formerly 254.450]

249.875 Time for completing filing; verification of signatures. (1) A recall petition shall be void unless completed and filed not later than the 100th day after filing the prospective petition described in ORS 249.865. Not later than the 90th day after filing the prospective petition the petition shall be submitted to the filing officer who shall verify the signatures not later than the 10th day after the submission. A recall petition shall not be accepted for signature verification if it contains less than 100 percent of the required number of signatures. The petition shall not be accepted for filing until 100 percent of the required number of signatures of electors have been verified.

(2) The provisions for verification of signatures on an initiative or referendum petition contained in ORS 250.105, are applicable to the verification of signatures on a recall petition. When the recall petition relates to a State Senator, State Representative, circuit judge or district judge, the petition shall be submitted first to the county clerk for verification of signatures of residents of that county. [Formerly 254.420]

249.880 Violation invalidates petition. Any wilful or intentional violation of ORS 249.865, 249.870 or 249.875 by a sponsor of the recall petition or by the treasurer of the sponsoring political committee shall invalidate the petition. [Formerly 254.460]

249.990 [Repealed by 1979 c.190 §431]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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,
October 1, 1979.

Thomas G. Clifford
Legislative Counsel