

Chapter 248

1983 REPLACEMENT PART

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Political Parties; Presidential Electors

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ELECTIONS

GENERAL PROVISIONS

248.002 Definitions. As used in this chapter

(1) "Committee office" means chairman, vice chairman or other office the county or state central committee of a political party creates to govern the business of the committee

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

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

(4) "Member" means an individual who is registered as being affiliated with the political party [1979 c 190 §67]

248.005 Parties to insure widest and fairest representation of members. Each political party by rule shall insure the widest and fairest representation of party members in the party organization and activities. Rules shall be adopted by procedures that assure the fair and open participation of all interested party members [1975 c 779 §1, 1979 c 190 §68]

248.006 Qualification as major political party. An affiliation of electors becomes a major political party when its candidates for presidential elector have polled at the last general election at least 20 percent of the total votes cast for that office [1979 c 190 §69]

248.008 Qualification as minor political party; statement regarding payment of petition circulators. An affiliation of electors becomes a minor political party when either of the following events occur

(1) When the affiliation of electors 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. The chief sponsor shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the petition. After the prospective petition is filed,

the chief sponsor shall notify the filing officer not later than the 10th day after the chief sponsor first has knowledge or should have had knowledge that

(a) Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no such person would be paid

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid

(2) When the affiliation of electors 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 §70, 1983 c 756 §5]

248.010 Use of party name. Each major political party and minor political party, its nominated candidates and its members and officers shall have the exclusive right to use the whole party name or any part of it [Amended by 1957 c 608 §49, 1965 c 407 §1, 1975 c 779 §4, 1979 c 190 §71, 1983 c 514 §5]

248.012 Notice of committee meetings required. The chairman of a county central committee or state central committee shall notify by mail the entire membership of the committee not later than the sixth day before the date of an anticipated meeting. Except for the notice of an organizational meeting of a county central committee, failure to give timely notice of the time, date and place of a meeting shall invalidate the business of the meeting [Formerly 248 100]

PRECINCT COMMITTEEPERSONS

248.015 Precinct committeepersons; qualifications; election; vote required; term. (1) A precinct committeeperson shall be a representative of the major political party in the precinct. At the primary election a major political party shall elect from its members a committeeperson of each sex for every 500 electors, or major fraction thereof, who are registered in the precinct on January 31 of the year of the primary election. In any event the political party members of a precinct shall be entitled to elect not less than one committeeperson of each sex in the precinct. No person shall hold office as committeeperson in more than one precinct

(2) A member of a major political party may become a candidate for precinct committeeperson of the precinct in which the person is regis-

tered, or of a precinct within the same county adjoining that precinct, by filing a declaration of candidacy described in ORS 249 031

(3) A member of the major political party who has been a member of that party for 180 days before the primary election may be elected by write-in votes as precinct committeeperson of the precinct in which the member is registered, or of a precinct within the same county adjoining that precinct

(4) Unless a qualified person receives at least three votes, no person shall be deemed to have been elected as precinct committeeperson and the office of committeeperson shall be vacant

(5) The term of office of a precinct committeeperson is from the 24th day after the date of the primary election until the 24th day after the date of the next following primary election.

(6) Except as provided in ORS chapter 260, a precinct committeeperson shall not be considered a public officer [1965 c 407 §3, 7, subsection (6) enacted as 1967 c 540 §3 (3), 1969 c 282 §1, 1977 c 199 §1, 1977 c 644 §1, 1979 c 190 §73, 1981 c 862 §1]

248 018 [1973 c 827 §24b, repealed by 1979 c 190 §431]

248 020 [Amended by 1957 c 608 §50, repealed by 1965 c 407 §18]

248.023 Certificates of election; acceptance of office; list of precinct committeepersons; offices declared vacant when no committeeperson elected. (1) Not later than the 17th day after a primary election, the county clerk shall mail a certificate of election to each newly elected precinct committeeperson within the county. The clerk also shall mail an "Acceptance of Office" form to each person elected by write-in votes to the office of committeeperson. The form shall include a statement to be signed by the person elected that the person is qualified to hold the office

(2) A person elected by write-in votes to the office of precinct committeeperson shall be certified for the office by filing with the county clerk, not later than the 24th day after the date of the primary election, a signed "Acceptance of Office" form

(3) Not later than the 28th day after a primary election, the county clerk shall prepare, maintain and furnish to the chairmen of the respective retiring county central committees within the county and the chairmen of the state central committees, a list of the party precinct committeepersons elected and certified. At the same time the county clerk shall declare the other offices of committeeperson vacant [1965 c 407 §§4, 5, 1975 c 779 §5, 1977 c 644 §2, 1979 c 190 §74]

248.024 Resignation or ineligibility of precinct committeeperson. (1) A precinct committeeperson may resign from the office by filing a written notification of resignation with the county clerk. Upon receipt of this notification, the county clerk shall

(a) Remove the name of the person from the list of committeepersons

(b) Declare that office vacant

(c) Notify the appropriate county central committee.

(2) When a precinct committeeperson ceases to be registered in the precinct in which the committeeperson was elected or a precinct adjoining that precinct within the same county, changes political party registration or dies, the county central committee shall notify the county clerk of the fact. Upon receipt of this notification, if the county clerk determines that the notification is correct, the clerk shall

(a) Remove the name of the person from the list of committeepersons

(b) Declare that office vacant. [Formerly 248 047]

248 025 [1965 c 407 §6, 1979 c 190 §79, renumbered 248 031]

248.026 Election of precinct committeeperson to fill vacancy; term; function.

(1) The members of a county central committee may select a member of the major political party who is registered in the precinct in which the vacancy exists, or registered in a precinct within the same county adjoining that precinct, to fill a vacancy in the office of precinct committeeperson

(2) When a county central committee selects a person to fill a vacancy in the office of precinct committeeperson, the chairman of the committee shall give written notice to the county clerk of the selection. The county clerk shall place the name of the person selected on the list of committeepersons and shall send written notice to the person

(3) A person selected to fill a vacancy in the office of precinct committeeperson may be removed from office at the pleasure of the central committee, but otherwise shall hold the office for the unexpired term and shall have the powers, duties and privileges of an elected committeeperson [Formerly 248 055]

248.027 Committeeperson to continue on central committee despite change in precinct. A precinct committeeperson who represents a precinct which is subsequently combined, consolidated or abolished shall continue to be a member of the county central committee until the

end of that committeeperson's regular term of office [Formerly 248 057]

248.029 Recall procedure. (1) Except as provided in this section, the provisions for recall of a public officer under ORS 249 002 to 249 015 and 249 865 to 249 880, apply to a recall election of a precinct committeeperson

(2) A precinct committeeperson may be recalled by a petition signed by the number of party members equal to not less than 25 percent of the number of party members who voted in the precinct as it existed at the preceding primary election. The petitioners shall state in not more than 200 words on the recall petition the reasons for the recall. If the committeeperson resigns, the resignation shall take effect on the date of the resignation. If the committeeperson does not resign before the fifth day after the petition is filed with the county clerk, a special election shall be ordered by the county clerk to be held not later than the 25th day after the petition is filed to determine whether the committeeperson will be recalled. The recall election shall be held in the precinct as it existed when the committeeperson was elected. On the ballot shall be printed the reasons for the recall stated in the recall petition, and, in not more than 200 words, the committeeperson's justification of the committeeperson's actions in office. The committeeperson shall continue to perform duties of the office until the result of the special election is declared.

(3) The cost of the election shall be paid by the county central committee of the party of the committeeperson [Formerly 248 053, 1981 c 173 §19]

248 030 [Amended by 1957 c 608 §51, repealed by 1965 c 407 §18]

COUNTY CENTRAL COMMITTEE

248.031 Precinct committeepersons as county central committee; status and functions of committee. The precinct committeepersons of the county shall constitute the county central committee of their party. The county central committee of each major political party is the highest party authority in county party matters and may adopt rules or resolutions for any matter of party government within the county which is not controlled by the laws of this state [Formerly 248 025]

248.033 Organizational meeting; notice. (1) The organizational meeting of a newly elected county central committee shall be held not sooner than the sixth day following the mailing of the notice of the organizational meeting required by subsection (2) of this section and

not later than the 50th day after the date of the primary election or the 50th day after the date of the general election, as provided by state party rule. The retiring county central committee shall prepare a written notice designating the time, date and place of the meeting. A copy of the notice for each newly elected precinct committeeperson shall be filed with the county clerk not later than the 10th day following the primary election. The retiring county central committee also shall mail a copy of the notice to the retiring state central committee.

(2) The county clerk shall mail a copy of the notice of the organizational meeting to each newly elected precinct committeeperson when the county clerk mails the certificate of election or acceptance of office required by ORS 248 023 (1)

(3) If the organizational meeting is held after the general election, the chairman of the retiring county central committee shall mail a second copy of the notice of the time, date and place of the meeting, not later than the 10th day before the meeting, to each member of the newly elected county central committee [1965 c 407 §8, 1975 c 779 §6, 1977 c 644 §3, 1979 c 190 §80, 1981 c 862 §2]

248.035 Transfer of property; election of officers; notice of election; eligibility to vote. (1) At the organizational meeting of the newly elected county central committee

(a) The officers of the retiring county central committee shall make available to the newly elected committee the property, records and funds owned or controlled by the retiring committee

(b) The newly elected committee next shall elect a chairman, vice chairman and other officers the committee considers necessary. The persons elected to the offices need not be members of the county central committee. The committee shall determine the term of each office. Only a newly elected precinct committeeperson may vote on the election of committee officers

(2) The newly elected chairman, within 48 hours of the chairman's election, shall send a list of the newly elected officers of the committee to the county clerk and to the retiring state central committee

(3) Only a newly elected precinct committeeperson or a person appointed or selected to fill a vacancy in the office of committeeperson may vote to fill a vacancy in a committee office. Immediately before a meeting of the county central committee at which there may be an election to fill a vacancy in a committee office, the chair-

man shall obtain from the county clerk a list of committee members. The list shall determine the eligibility of a committeeperson to vote to fill a vacancy in a committee office [1965 c 407 §9 (1), (2), (3), (4), 1973 c 773 §5, 1975 c 779 §7, 1979 c 190 §81]

248 040 [Repealed by 1965 c 407 §18]

248.043 Procedure if meeting not called; filling vacancies when no precinct committeeperson elected; term of appointee; notice to county clerk. If a newly elected county central committee fails to meet or to organize or if no person within a county is elected by a major political party as a precinct committeeperson, the chairman of the retiring state central committee shall appoint a temporary chairman of the county central committee. The temporary chairman shall call an organizational meeting and organize the committee as provided by applicable provisions of ORS 248 033 and 248 035. A temporary chairman appointed when no precinct committeeperson is elected may appoint members to fill the vacancies in the office of committeeperson for the precinct in which the persons are registered. A person so appointed may be removed from office at the pleasure of the central committee, but otherwise shall hold the office of committeeperson for the unexpired term and shall have the powers, duties and privileges of a committeeperson. When a person is appointed to the office of committeeperson pursuant to this subsection, the temporary chairman shall notify, in writing, the county clerk of the appointment. The county clerk shall place the name of the person appointed on the list of committeepersons [1965 c 407 §9 (5), (6), 1979 c 190 §82]

248.045 Proxies prohibited; bylaws or rules; executive committee functions; voting privileges. Proxies in no instance shall be permitted to participate at any county central committee meeting. At any meeting of the county central committee, the committee may

(1) Adopt, amend or repeal bylaws or rules for the government of the political party in the county

(2) By the adoption of bylaws or of a resolution, select an executive committee and authorize the executive committee to exercise those powers delegated to it by the central committee including, but not limited to, the power to fill a vacancy in the office of committeeperson pursuant to ORS 248 026. In no event may the central committee delegate, or the executive committee exercise, the power to elect a person to, or fill a vacancy in a committee office. The persons selected as the executive committee need not be members of the county central committee

(3) Except as provided by ORS 248 035 (3), grant participation and voting privileges to a

(a) Person who holds a public office or an office of a political party

(b) Person who has been nominated for a public office at the preceding primary election

(c) Member of the executive committee of the county central committee [1965 c 407 §10, 1979 c 190 §83]

248 047 [1965 c 407 §11, 1967 c 540 §1, 1975 c 779 §8, 1979 c 190 §75, renumbered 248 024]

248 049 [1967 c 540 §3 (1), (2), repealed by 1979 c 190 §431]

248.050 [Repealed by 1965 c 407 §18]

248 053 [1967 c 540 §4, 1979 c 190 §78, renumbered 248 029]

248 055 [1965 c 407 §12, 1967 c 540 §2, 1975 c 779 §9, 1979 c 190 §76, renumbered 248 026]

248 057 [1967 c 124 §2, 1979 c 190 §77, renumbered 248 027]

248 060 [Amended by 1957 c 608 §52, repealed by 1965 c 407 §18]

248 070 [Amended by 1957 c 608 §53, 1961 c 94 §1, repealed by 1965 c 407 §18]

248 071 [1965 s s c 1 §3 (enacted as 248 070), repealed by 1967 c 227 §1]

STATE CENTRAL COMMITTEE

248.072 Authority of state central committee. The state central committee is the highest party authority in the state and may adopt rules or resolutions for any matter of party government which is not controlled by the laws of this state [1979 c 190 §84]

248.075 State central committee; organizational meeting; notice; procedure if meeting not called. (1) The state central committee shall consist of at least two delegates from each county central committee and other delegates from each county equal to the number of party members in the county registered on the date of the primary election divided by 15,000. If the remaining number exceeds 7,500, one additional delegate shall represent the county. Such delegates and an equal number of alternate delegates shall be selected by the county central committee. When a delegate of a county central committee is unable to attend a meeting of the state central committee, an alternate delegate of the county central committee may attend the meeting

(2) The organizational meeting of a newly elected state central committee shall be held not earlier than the 55th day and not later than the

75th day after the primary election or the 75th day after the date of the general election, as determined by party rule. The time, date and place of the state organizational meeting shall be designated by the chairman of the retiring state central committee who also shall mail notice of the meeting, not later than the sixth day before the meeting, to each member of the newly elected state central committee.

(3) If the state organizational meeting is held after the general election, the chairman of the retiring state central committee shall mail a notice of the meeting to the county central committees not later than the 45th day before the meeting. The state central committee may not reorganize without the mailing of this notification.

(4) If a county central committee fails to organize before the organizational meeting of the state central committee, the appointed temporary chairman of the county central committee may act as the sole delegate from that committee to the state central committee.

(5) If the chairman of the retiring state central committee fails to call the organizational meeting of the newly elected state central committee as prescribed by subsection (2) of this section, the vice chairman of the retiring state central committee, not later than the 20th day after, the latest date allowed by party rule under subsection (2) of this section, shall designate the time, date and place of an organizational meeting and give notice of it not later than the sixth day before the meeting. If neither the chairman nor vice chairman calls an organizational meeting, the meeting may be called by a petition signed by at least 19 chairmen of the county central committees. The petition shall state the time, date and place of the organizational meeting. A copy of the petition shall be mailed to each newly elected chairman and vice chairman of the county central committees not later than the sixth day before the meeting. A copy of the petition shall be filed with the Secretary of State [1965 c 407 §13, 1975 c 779 §10, 1979 c 190 §85, 1981 c 862 §3].

248 080 [Amended by 1957 c 608 §54, repealed by 1965 c 407 §18]

248.085 Transfer of property; election of officers; bylaws or rules; executive committee functions. (1) At the organizational meeting of the state central committee

(a) The officers of the retiring state central committee shall deliver to the newly elected committee the property, records and funds owned or controlled by the retiring committee.

(b) The committee shall elect a chairman, vice chairman and other officers the committee considers necessary. The persons elected to the offices need not be members of the state central committee. The committee shall determine the term of each office.

(c) The committee shall adopt, amend or repeal bylaws or rules for the government of the state central committee.

(2) At any meeting of the state central committee, the committee, by bylaw or resolution, may select an executive committee and delegate powers to it. The persons selected as the executive committee need not be members of the state central committee. In no event may the central committee delegate, or the executive committee exercise, the power to elect a person to fill a vacancy in state committee offices. However, the central committee may provide in its bylaws for the appointment by the executive committee of a temporary officer to fill a vacancy [1965 c 407 §14, 1975 c 779 §11, 1979 c 190 §86].

248 090 [Amended by 1957 c 608 §55, 1965 s s c 1 §4, 1971 c 627 §1, repealed by 1975 c 779 §28]

248 100 [Amended by 1965 c 407 §15, 1975 c 779 §12, 1979 c 190 §71, renumbered 248 012]

248 110 [Repealed by 1957 c 608 §231]

248 120 [Repealed by 1957 c 608 §231]

248 130 [Repealed by 1957 c 608 §231]

248 140 [Repealed by 1957 c 608 §231]

248 150 [Amended by 1957 c 608 §56, 1965 c 320 §1, repealed by 1967 c 227 §1]

248 160 [Amended by 1957 c 608 §57, 1975 c 779 §12a, 1979 c 190 §87, repealed by 1983 c 567 §22]

248 170 [1973 c 773 §8, repealed by 1975 c 779 §28]

248.175 [1973 c 773 §9, renumbered 171 062]

248 180 [1973 c 773 §10, renumbered 171 064]

248.210 [1961 c 667 §2, 1965 c 407 §16, repealed by 1975 c 779 §28]

248 220 [1961 c 667 §3, repealed by 1975 c 779 §28]

248 310 [Amended by 1957 c 608 §58, 1975 c 779 §13, repealed by 1979 c 190 §431]

DELEGATES TO NATIONAL CONVENTIONS

248.315 Procedure for selection of delegates to national convention. (1) After a presidential preference primary election, each major political party by convention shall select delegates to the national convention of that party.

(2) A convention to select delegates shall be called and held at the time and place designated

by the state central committee. If the committee, not later than the 10th day after the primary election, provides a copy of the notice of a congressional district convention for each delegate within the county to each county clerk whose county in part or in whole is within the congressional district, the county clerk shall mail a copy of the notice to each newly elected precinct committee person when the county clerk mails the certificate of election or acceptance of office form required by ORS 248 023 (1)

(3) Delegates to the national convention of the party shall be selected so that the number of delegates who favor a certain candidate shall represent the proportion of votes received by the candidate in relation to the other candidates of that party at the presidential preference primary election. Each person selected as a delegate shall sign a pledge that the person will continue to support at the national convention the candidate for President of the United States the person is selected as favoring until

(a) The candidate is nominated at the convention,

(b) The candidate receives less than 35 percent of the votes for nomination at the convention,

(c) The candidate releases the delegate from the pledge, or

(d) Two convention nominating ballots have been taken [1975 c 779 §15, 1979 c 190 §88, 1979 c 748 §1]

248 320 [Amended by 1957 c 608 §59, 1969 c 603 §1, subsections (2), (3), (4) enacted as 1969 c 603 §4, 1971 c 685 §1, repealed by 1975 c 779 §28]

248 325 [1971 c 590 §2, repealed by 1975 c 779 §28]

248 330 [Amended by 1957 c 608 §60, 1969 c 603 §2, repealed by 1975 c 779 §28]

248 340 [Amended by 1957 c 608 §61, renumbered 248 355]

248 350 [Amended by 1957 c 608 §62, repealed by 1975 c 779 §28]

248 352 [1965 c 526 §§2,3,5, repealed by 1975 c 779 §28]

248 354 [1965 c 526 §4, repealed by 1975 c 779 §28]

PRESIDENTIAL ELECTORS

248.355 Procedure for selection of presidential electors; candidate's pledge.

In a year when a President and Vice President of the United States are to be nominated and

elected, each major political party shall select a number of candidates for elector of President and Vice President equal to the total number of Senators and Representatives to which this state is entitled in Congress. A candidate when selected shall sign a pledge that, if elected, the candidate will vote in the electoral college for the candidates of the party for President and Vice President. The Secretary of State shall prescribe the form of the pledge. The party shall certify the names of the selected candidates to, and file the pledge of each candidate with the Secretary of State not later than the 70th day before the election of electors [Formerly 248 340, 1961 c 46 §1, 1961 c 667 §4, 1965 c 138 §1, 1975 c 779 §16, 1979 c 190 §89]

248.360 Election time and number of presidential electors to be elected. At the general election in a year when a President and Vice President of the United States are to be elected, the electors of this state shall elect as many electors of President and Vice President as this state is entitled to elect Senators and Representatives in Congress [Amended by 1979 c 190 §90]

248.370 Electors convene, fill vacancies and perform duties. The electors of President and Vice President shall convene at noon at the state capital on the Monday after the second Wednesday in December following their election. If there is any vacancy in the office of an elector caused by death, refusal to act, neglect to attend or otherwise, the electors present immediately shall fill it by plurality of voice votes. When all the electors have appeared or the vacancies have been filled, the electors shall perform the duties required of them by the Constitution and laws of the United States [Amended by 1979 c 190 §91]

248.380 Electors' compensation and traveling expenses. An elector of President and Vice President of the United States who attends at the time and place appointed and votes for President and Vice President shall be entitled to receive from this state \$10 for attendance and 15 cents a mile for travel to and from the meeting on the usually traveled route [Amended by 1957 c 608 §63, 1979 c 190 §92]

PENALTIES

248.990 Penalties. Violation of ORS 248 035 (1)(a) or of ORS 248 085 (1)(a) is punishable by a fine of not more than \$250 [1965 c 407 §17, 1975 c 779 §14, 1979 c 190 §93]