

# Chapter 249

## 1987 REPLACEMENT PART

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## GENERAL PROVISIONS

**249.002 Definitions.** As used in this chapter:

(1) "Candidate" means an individual whose name is or is expected to be printed on the official ballot.

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

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

(6) "Nonpartisan office" means the office of judge, Superintendent of Public Instruction, executive officer or councilor of a metropolitan service district under ORS chapter 268, justice of the peace, sheriff or district attorney.

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

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

(9) "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, 1983 c 350 §64, 1985 c.324 §1; 1987 c 707 §6]

**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]

**249.007 Written request for separate tally of votes for write-in candidates.** A person whose name will not be printed on the ballot may request the county clerk in writing to tally separately the votes cast for the person. The person shall file the request with the filing officer for the office not later than the 11th day before the election. The filing officer immediately shall notify the county clerk of each county in which the office will appear on the ballot. [1985 c 508 §4]

**249.008 Verification of signatures by county clerk; removal of signatures prohibited after submittal.** (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 elector 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.

(3) After signatures of electors on a nominating petition, minor political party formation petition, minutes of an assembly of electors or petition by individual electors are submitted for verification, no elector who signed the petition or minutes may remove the signature of the elector from the petition or minutes. [Formerly 249.055, 1985 c 808 §10]

**249.009 Exclusive form of signature sheets for petitions.** (1) 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.

(2) Regardless of any provision to the contrary in a county or city charter or ordinance, for

the purpose of nominating city or county candidates, recalling city or county officers or forming a minor political party, an individual must use the applicable form designed under this section. [Formerly 246.180, 1985 c.808 §11]

**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, a candidate of a minor political party 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, 1983 c.514 §6]

### 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 nominating petition or declaration of candidacy is filed.

(e) 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.

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

(g) 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.

(h) The signature of the candidate.

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

(3) 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, 1981 c.173 §20; 1983 c 7 §1; 1983 c 567 §5]

**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 or precinct committeeperson shall be filed with the county clerk.

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

(4) Executive officer or councilor of a metropolitan service district under ORS chapter 268 shall be filed with the county clerk of the county in which the administrative office of the district is located.

(5) Any other office shall be filed under ORS chapter 255. [1979 c 190 §105, 1981 c 173 §21, 1981 c 485 §3; 1983 c.350 §65, 1985 c 808 §12]

**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]

**Note:** The amendments to 249 037 by section 16, chapter 267, Oregon Laws 1987, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience

**249.037.** (1) 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 biennial primary election

(2) The filing deadline in subsection (1) of this section does not apply to a nominating petition for President of the United States.

**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.

(2) No filing fee shall be required of persons filing a declaration of candidacy for precinct committeeperson or justice of the peace. [Formerly 249 271, 1981 c 173 §22, 1983 c.567 §6]

**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; statement regarding**

**payment of petition circulators.** (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.

(3) The candidate shall include with the nominating petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the nominating petition. After the nominating petition is filed, the candidate shall notify the filing officer not later than the 10th day after the candidate first has knowledge or should have had knowledge that:

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

(b) No person is being paid for obtaining signatures, when the statement included with the nominating petition declared that one or more such persons would be paid. [1979 c.190 §111; 1983 c.756 §3]

**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 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 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. In addition:

(a) 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 the electoral district that are located in each of two or more of the counties, or portions of the counties, within which the electoral district is located. If one-eighth of the precincts of the electoral district in one of the counties or portion thereof does not constitute a whole precinct, the nominating petition shall contain signatures from at least one precinct in that county.

(b) 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 electoral district. [Formerly 249.041; 1983 c.567 §7; 1985 c.808 §13]

**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. In addition:

(a) 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 the electoral district that are located in each of two or more of the counties, or portions of the counties, within which the electoral district is located. If one-eighth of the precincts of the electoral district in one of the counties or portion thereof does not constitute a whole precinct, the nominating petition shall contain signatures from at least one precinct in that county.

(b) 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 electoral district. [Formerly 252 810, 1987 c 707 §7]

**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 and nominating petitions or certificates of nomination for more than one candidate for the same office. [Formerly 249 051; 1981 c.173 §23]

### (Nomination of Presidential Candidate by Major Political Party)

**249.078 Nomination of presidential candidate by major party; statement regarding payment of petition circulators.**

(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 from each congressional district the signatures of at least 1,000 electors

who are registered in the district and who are members of the major political party of the candidate. 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. 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 Secretary of State 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. [1979 c.190 §116; 1981 c 173 §24; 1983 c.756 §4].

**Note:** The amendments to 249.078 by section 17, chapter 287, Oregon Laws 1987, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

**249.078.** (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 from each congressional district the signatures of at least 1,000 electors who are registered in the district and who are members of the major political party of the candidate. 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. 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 Secretary of State 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

(3) A nominating petition under this section shall be filed not sooner than the 250th day and not later than the 70th day before the date of the presidential primary election.

**249.080** [Repealed by 1957 c.608 §231]

### **(Nomination to Nonpartisan Office)**

**249.085 Single candidate to be nominee for nonpartisan office.** (1) Except as provided in subsection (2) of this section, when a nominating petition or declaration of candidacy is filed by only one candidate for a nonpartisan office, 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.

(2) Subsection (1) of this section does not apply to:

(a) The office of judge of the Supreme Court, Court of Appeals, circuit or district court or the Oregon Tax Court.

(b) The office of executive director or councilor of a metropolitan service district under ORS chapter 268. [1979 c.190 §117; 1979 c.451 §4; 1979 c.587 §2, 1985 c 808 §14]

**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, the Oregon Tax Court or executive director or councilor of a metropolitan service district under ORS chapter 268, 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, 1983 c.350 §66]

**Note:** The amendments to 249 088 by section 18, chapter 267, Oregon Laws 1987, are repealed January 1, 1994 See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience

**249.088.** (1) Except as provided in subsection (2) of this section, at the nominating election held on the date of the biennial 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, the Oregon Tax Court or executive director or councilor of a metropolitan service district under ORS chapter 268, 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.

**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]

**Note:** The amendments to 249 160 by section 19, chapter 267, Oregon Laws 1987, are repealed January 1, 1994 See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience

**249.160.** (1) No person shall file a nominating petition or declaration of candidacy for more than one lucrative office before the date of the biennial 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 biennial 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

**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]

**Note:** The amendments to 249.170 by section 20, chapter 267, Oregon Laws 1987, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

**249.170.** (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 biennial 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 biennial primary election, shall refund the filing fee of a candidate who dies, withdraws or becomes ineligible for the nomination

#### (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 before a judge, justice of the peace, county clerk or notary public, 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. [Formerly 249.680; 1985 c.471 §6]

**Note:** The amendments to 249.180 by section 21, chapter 267, Oregon Laws 1987, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

**249.180.** Any person who has been nominated at a nominating or biennial 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 before a judge, justice of the peace, county clerk or notary public, 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.

#### (Filling Vacancy in Nomination or Office)

**249.190 Filling vacancy in nomination of major party.** (1) Subject to subsection (3) of this section, 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.

(3) The Secretary of State by rule may adopt a schedule specifying the period following a vacancy within which a major political party must notify the filing officer of the name of the new nominee. [1979 c.190 §122, 1985 c 808 §15]

**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 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) The procedure under subsection (1) of this section shall not apply in any case in which one of the following specific procedures for filling a vacancy applies:

(a) The procedure specified in ORS 188.120 for the offices of Representative in Congress and United States Senator.

(b) The appointment procedure specified in ORS 171.051 to 171.064 for state legislative office.

(c) The procedure specified in ORS chapter 236 for county office.

(d) The procedure specified in ORS chapter 221 for city office.

(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.

(4) The Secretary of State by rule may adopt a schedule specifying the period following a vacancy within which a major political party that selects a nominee under paragraph (b) of subsection (1) of this section must notify the filing officer of the name of the nominee under subsection (3) of this section. [1979 c.190 §123, 1985 c 586 §3, 1985 c 808 §16, 1987 c 380 §4, 1987 c 549 §5]

**Note:** The amendments to 249.200 by section 22, chapter 267, Oregon Laws 1987, are repealed January 1, 1994 See section 82, chapter 267, Oregon Laws 1987 The text is set forth for the user's convenience

**249.200.** (1) A major political party may nominate a candidate to fill a vacancy in a partisan elective office in the following manner

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

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

(2) The procedure under subsection (1) of this section shall not apply in any case in which one of the following specific procedures for filling a vacancy applies:

(a) The procedure specified in ORS 188.120 for the offices of Representative in Congress and United States Senator

(b) The procedure specified in ORS 171.051 to 171.064 for state legislative office

(c) The appointment procedure specified in ORS chapter 236 for county office

(d) The procedure specified in ORS chapter 221 for city office.

(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

(4) The Secretary of State by rule may adopt a schedule specifying the period following a vacancy within which a major political party that selects a nominee under paragraph (b) of subsection (1) of this section must notify the filing officer of the name of the nominee under subsection (3) of this section.

**249.205 Filling vacancy in nonpartisan office.** If the only 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 nominat-

ing election and on or before the 20th day before the general election, a candidate for the office shall be nominated by nominating petition in the manner provided for nonpartisan office. The Secretary of State by rule may adopt a schedule for filing nominating petitions under this section. The schedule may specify the period within which nominating petitions must be filed after a vacancy occurs. [Formerly 252.060, 1981 c 173 §25, 1983 c 7 §2, 1983 c 567 §8; 1985 c.808 §17]

**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 judge, justice of the peace, county clerk or 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, 1981 c 142 §1]

**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]

**Note:** The amendments to 249.722 by section 23, chapter 267, Oregon Laws 1987, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience

**249.722.** (1) Except as provided in subsections (3) and (4) 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 biennial 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) A certificate of nomination of a candidate for elector of President and Vice President of the United States shall be filed not sooner than the 15th day after the date of the presidential primary election and not later than the 70th day before the date of the general election.

(4) For a special election, including an election to fill a vacancy that occurs after the 70th day before the general election, a certificate of nomination must be filed before the 20th day preceding the election.

**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; 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 §129; 1983 c.756 §6]

#### **(Nomination by Assembly of Electors)**

**249.735 Qualification as assembly of electors; records; notice; nomination by assembly.** (1) An assembly of electors is an organized body:

(a) Of not fewer than 1,000 electors of the state for a state-wide nomination.

(b) Of not fewer than 500 electors of the congressional district for which the nomination for Representative in Congress is made.

(c) Of not fewer 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. Not less than the minimum number of electors required to constitute an assembly of electors shall have recorded their signatures in the minutes of the assembly and must be present when the assembly nominates a candidate. 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 made, and the names and addresses of not fewer 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) Not later than the 10th day before the meeting of an assembly of electors, a copy of the notice under subsection (3) of this section shall be delivered to the filing officer who will supervise the conduct of the nominating convention.

(6) The presiding officer of an assembly of electors shall deliver the signatures of assembly members entered in the minutes to the appropriate county clerks of the counties in which the assembly members live. The signatures shall be certified by the appropriate 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; 1983 c.514 §7, 1983 c 567 §9, 1985 c 808 §18]

**249.737 Filing officer for nomination by assembly of electors.** (1) The filing officer for the office for which nominations will be considered by an assembly of electors shall supervise the conduct of the nominating convention. The filing officer shall insure that when the assembly of electors makes a nomination, the number of electors required to be present at the nominating convention for the purpose of constituting an assembly is at least equal to each of the following:

(a) The number of signatures of assembly members in the minutes of the assembly.

(b) The number of electors present at the nominating convention.

(2) If an assembly of electors will consider nominations for an office for which the Secretary of State is the filing officer and an office for which

the county clerk or chief city elections officer is the filing officer, the Secretary of State shall be the supervising officer under subsection (1) of this section.

(3) If an assembly of electors will consider nominations for an office for which the county clerk is the filing officer and an office for which the chief city elections officer is the filing officer, the county clerk shall be the supervising officer under subsection (1) of this section. [1983 c 567 §11]

#### (Nomination by Individual Electors)

**249.740 Certificates of nomination made by individual electors; statement regarding payment of petition circulators; 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. The chief sponsor of the certificate shall include with the prospective certificate a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the certificate. After the prospective certificate 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 certificate declared that no such person would be paid.

(b) No person is being paid for obtaining signatures, when the statement included with the

prospective certificate declared that one or more such persons would be paid.

(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.

(5) As used in this section, "prospective certificate" means the information, except signatures and other identification of certificate signers, required to be contained in a completed certificate of nomination. [Amended by 1955 c.169 §5, 1957 c 608 §112, 1971 c.152 §1; 1977 c.829 §10, 1979 c 190 §131, 1983 c 756 §7]

**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) Subject to subsection (4) of this section, 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 that 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 that made the original nomination if the chairman and secretary are the same as those of the original assembly.

(3) Subject to subsection (4) of this section, 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.

(4) The Secretary of State by rule may adopt a schedule specifying the period after a vacancy in a nomination occurs within which a certificate of nomination filling the vacancy must be filed. [1979 c.190 §134; 1985 c 808 §19]

**249.850 Filing of certificate to fill vacancy in nomination; notifying proper officials to make changes in general election 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; statement regarding payment of petition circulators; effect of violation.** (1) Pursuant to section 18, Article II of the Oregon Constitution, an elector of the electoral district from which the public officer is elected may file a petition demanding the recall of the public officer. Before the petition is circulated for signatures, the chief petitioner of the petition shall file with the officer authorized to order the recall election:

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

(b) A statement of organization conforming to ORS 260.042 of the political committee the chief petitioner represents, if any; and

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

(2) The chief petitioner 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 recall petition. After the prospective petition is filed, the chief petitioner shall notify the filing officer not later than the 10th day after the chief petitioner 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.

(3) 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 political committee the chief petitioner represents, or if there is not a political committee, the name and address of the chief petitioner.

(4) Not more than 20 signatures on each sheet of the recall petition shall be counted. Each sheet of the recall petition shall be verified on its face by the circulator's signed statement that the individuals signed the sheet in the presence of the circulator and that the circulator believes each individual is an elector.

(5) Any intentional or wilful violation of subsection (1) or (2) of this section by a chief petitioner of the recall petition or by the treasurer of the political committee the chief petitioner represents, if any, shall invalidate the prospective petition before it is circulated for signatures. [1979 c 190 §136, 1981 c 142 §2; 1981 c 173 §26, 1983 c 756 §8, 1985 c 471 §7, 1987 c 210 §1]

**249.870 Number of signers on recall petition.** The requisite number of signers on a recall petition is 15 percent of the total votes cast in the electoral district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term. [Formerly 254.450, 1981 c 173 §27, 1985 c 808 §22]

**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 prospec-

tive 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]

**249.876 Elector may not remove signature after petition submitted for verification.** After a recall petition is submitted for signature verification, no elector who signed the petition may remove the signature of the elector from the petition. [1985 c 808 §21]

**249.877 Statement of justification by public officer.** (1) A public officer against whom a recall petition has been filed may submit to the filing officer, in not more than 200 words, a statement of justification of the public officer's course in office. The statement must be filed not later than the fifth day after the recall petition is filed.

(2) The county clerk shall have the statement printed on the official and sample ballots for the recall election. [1983 c.514 §7b]

**249.880** [Formerly 254 460; 1985 c 808 §23; repealed by 1987 c 210 §3]

**249.990** [Repealed by 1979 c 190 §431]