

House Bill 2279

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Secretary of State Dennis Richardson)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Changes date of primary election from third Tuesday in May to second Tuesday in March.

Allows Secretary of State to change date of primary during presidential election years if date change results in primary election in Oregon being held on same date as primary election in two or more of enumerated states.

Alters certain deadlines associated with primary election.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to primary election dates; amending ORS 203.085, 221.230, 248.007, 249.037, 249.170, 251.065,
3 254.056, 255.185 and 255.335; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 254.056 is amended to read:

6 254.056. (1) The general election shall be held on the first Tuesday after the first Monday in
7 November of each even-numbered year. Except as provided in ORS 254.650, at the general election
8 officers of the state and subdivisions of the state, members of Congress and electors of President
9 and Vice President of the United States as are to be elected in that year shall be elected.

10 (2) **Except as provided in subsection (3) of this section**, the primary election shall be held
11 on the [*third Tuesday in May*] **second Tuesday in March** of each even-numbered year. At the pri-
12 mary election precinct committee persons shall be elected and major political party candidates shall
13 be nominated for offices to be filled at the general election held in that year.

14 (3)(a) **The Secretary of State may change the date of the primary election held in a year**
15 **during which candidates for President and Vice President of the United States will be listed**
16 **on the ballot if the date change will result in the primary election held in the State of Oregon**
17 **occurring on the same date as the primary election held in two or more of the following**
18 **states:**

19 (A) **Arizona;**

20 (B) **California;**

21 (C) **Idaho;**

22 (D) **Nevada;**

23 (E) **Utah; or**

24 (F) **Washington.**

25 (b) **If the secretary decides to change the date of the primary election under this sub-**
26 **section, the secretary shall adopt administrative rules establishing the new date of the pri-**
27 **mary election. Administrative rules adopted under this subsection:**

28 (A) **Shall be adopted by the secretary no later than by the first day of December in the**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 year before the primary election will be held; and

2 (B) Notwithstanding any other provision of law, may adjust deadlines connected to the
 3 primary election to the extent necessary to ensure that all deadlines fall on regular business
 4 days.

5 **SECTION 2.** ORS 248.007 is amended to read:

6 248.007. (1) Subject to ORS 248.005, a major political party may organize and select delegates
 7 to national party conventions in any manner.

8 (2) The provisions of ORS 248.012 to 248.315 do not apply to a major political party if the party
 9 has notified the Secretary of State as provided in subsection (5) of this section that the party does
 10 not intend to be subject to the provisions of ORS 248.012 to 248.315. References to precinct com-
 11 mitteepersons in any provisions of ORS chapters 246 to 260 do not apply to a party described in this
 12 subsection.

13 (3) ORS 248.012 to 248.315 apply only to a major political party that has notified the Secretary
 14 of State as provided in subsection (5) of this section that the political party intends to be subject
 15 to the provisions of ORS 248.012 to 248.315. References to precinct committeepersons in any pro-
 16 visions of ORS chapters 246 to 260 shall apply to a party described in this subsection. If a major
 17 political party fails to notify the Secretary of State under this subsection, the party shall be con-
 18 sidered subject to the provisions of ORS 248.012 to 248.315.

19 (4) A major political party shall notify the Secretary of State as provided in subsection (5) of this
 20 section if the party does not intend to be subject to the provisions of ORS 248.012 to 248.315 except
 21 that the party intends to elect precinct committeepersons. If a party notifies the Secretary of State
 22 under this subsection, the party shall elect precinct committeepersons only as provided in ORS
 23 248.015 and shall elect precinct committeepersons in the same manner in all precincts in this state.

24 (5) Not later than the 271st day before the date of the primary election, a major political party
 25 shall notify the Secretary of State in writing whether or not the party intends to be subject to the
 26 provisions of ORS 248.012 to 248.315 or whether the party intends to elect precinct committeeper-
 27 sons under subsection (4) of this section. If the major political party does not intend to be subject
 28 to the provisions of ORS 248.012 to 248.315 or intends to elect precinct committeepersons under
 29 subsection (4) of this section, the party shall file with the Secretary of State, at the same time notice
 30 is given under this subsection, a copy of its organizational documents setting forth the manner in
 31 which its officers and managing committees are selected or any other manner in which it conducts
 32 its affairs.

33 (6) In each even-numbered year, a major political party shall file with the Secretary of State a
 34 statement indicating that the party is operating subject to ORS 248.012 to 248.315 or a copy of
 35 current organizational documents setting forth the manner in which its officers and managing com-
 36 mittees are selected or any other manner in which it conducts its affairs. Material described in this
 37 subsection shall be filed between the 271st and the 277th day before the [*third Tuesday in May*]
 38 **second Tuesday in March** of each odd-numbered year.

39 (7) A major political party subject to the provisions of this section shall nominate candidates
 40 of the major political party, for other than political party office, at the primary election.

41 **SECTION 3.** ORS 255.185 is amended to read:

42 255.185. (1) In a district that holds regular district elections, if an initiative or referendum pe-
 43 tition contains the required number of verified signatures, the election on the district measure shall
 44 be held on the [*third Tuesday in May*] **second Tuesday in March**, the first Tuesday after the first
 45 Monday in November or the date of the next scheduled regular district election. The election date

1 may not be sooner than the next available date listed in this subsection for which the filing deadline
 2 may be met and may not be later than the first regular district election following the 40th day after
 3 the date of the order calling the election.

4 (2) In a district that does not hold regular district elections, if an initiative or referendum pe-
 5 tition contains the required number of verified signatures, the election on the district measure shall
 6 be held at the next available date listed in subsection (1) of this section for which the filing deadline
 7 may be met.

8 **SECTION 4.** ORS 255.335 is amended to read:

9 255.335. (1) The regular district election shall be held by each district for the purpose of electing
 10 members of the district board to succeed a member whose term expires the following June 30 and
 11 to elect members to fill any vacancy which then may exist. The election shall be held in each such
 12 district in each odd-numbered year on the *[third Tuesday in May]* **second Tuesday in March**.

13 (2) A district shall not conduct more than one election of board members in any year.

14 (3) The first regular district election in a district shall be held on the regular district election
 15 date next following the year in which the first members of the district board were elected or ap-
 16 pointed.

17 (4) The term of a board member elected at the regular district election shall commence on the
 18 first day of July next following the election and shall expire June 30 next following the regular
 19 district election at which a successor is elected.

20 (5) Each district board shall hold a regular organizational meeting following the regular district
 21 election and not later than the last day of July of that year.

22 **SECTION 5.** ORS 249.037, as amended by section 8, chapter 70, Oregon Laws 2018, is amended
 23 to read:

24 249.037. (1) Except as otherwise provided in this section, a nominating petition or declaration
 25 of candidacy shall be filed not sooner than the 250th day and not later than the *[70th]* **80th** day
 26 before the date of the nominating election.

27 (2) If a vacancy occurs in a partisan elective office after the 80th day and before the 70th day
 28 before the nominating election, a nominating petition or declaration of candidacy for that office may
 29 be filed not later than the 65th day before the nominating election.

30 *[(3) A declaration of candidacy for the office of precinct committeeperson may not be filed before*
 31 *February 1 immediately preceding the primary election.]*

32 **SECTION 6.** ORS 249.170 is amended to read:

33 249.170. (1) A candidate who has filed a declaration of candidacy or a nominating petition may
 34 withdraw not later than the *[67th]* **77th** day before the date of the primary election by filing a
 35 statement of withdrawal with the filing officer with whom the declaration or petition was filed. The
 36 statement shall be made under oath and state the reasons for withdrawal.

37 (2) The official with whom a declaration of candidacy is filed, upon request received not later
 38 than the *[67th]* **77th** day before the date of the primary election, shall refund the filing fee of a
 39 candidate who dies, withdraws or becomes ineligible for the nomination.

40 **SECTION 7.** ORS 251.065 is amended to read:

41 251.065. (1)(a) Except as provided in paragraph (b) of this subsection, not sooner than the 120th
 42 day and not later than the *[68th]* **78th** day before the primary election, a candidate or agent on be-
 43 half of the candidate for nomination or election at the primary election to the office of President
 44 or Vice President of the United States, United States Senator, Representative in Congress or a state
 45 office as defined in ORS 249.002 may file with the Secretary of State a portrait of the candidate and

1 a statement of the reasons the candidate should be nominated or elected. A candidate or agent on
 2 behalf of the candidate for nomination or election to a county or city office, or to an elected office
 3 of a metropolitan service district organized under ORS chapter 268, may file a portrait and state-
 4 ment under this subsection if permitted under ORS 251.067.

5 (b) A portrait and statement may be filed not later than the 63rd day before the primary election
 6 in the event of a vacancy described in ORS 249.037 (2).

7 (2) Not sooner than the 120th day and not later than the 70th day before the general election,
 8 a candidate or agent on behalf of the candidate for election at the general election to the office of
 9 President or Vice President of the United States, United States Senator, Representative in Congress
 10 or a state office as defined in ORS 249.002 may file with the Secretary of State a portrait of the
 11 candidate and a statement of the reasons the candidate should be elected. A candidate or agent on
 12 behalf of the candidate for election to a county or city office, or to an elected office of a metropol-
 13 itan service district organized under ORS chapter 268, may file a portrait and statement under this
 14 subsection if permitted under ORS 251.067.

15 (3) In the case of a special election to fill a vacancy as described in ORS 251.022, the Secretary
 16 of State by rule shall set the deadline for filing with the secretary a portrait of the candidate and
 17 a statement of the reasons the candidate should be nominated or elected.

18 (4) All portraits and statements described in this section must be filed using the electronic filing
 19 system adopted by the Secretary of State under ORS 251.014.

20 (5) Subject to the requirements of this section, the Secretary of State by rule shall establish the
 21 format of the statements permitted under this section.

22 (6) A portrait or statement filed under this section must be accompanied by a telephone or
 23 electronic facsimile transmission machine number where the candidate may be contacted for pur-
 24 poses of ORS 251.087.

25 **SECTION 8.** ORS 203.085 is amended to read:

26 203.085. (1) Except as provided in subsection (3) of this section, no election on a county measure
 27 referred by the county governing body or for a county office shall be held on any date other than:

- 28 (a) The second Tuesday in March;
- 29 (b) The third Tuesday in May;
- 30 (c) The third Tuesday in September; or
- 31 (d) The first Tuesday after the first Monday in November.

32 (2) Except as provided in subsection (3) of this section, no election on a county measure other
 33 than a county measure referred by the county governing body shall be held on any date other than:

- 34 **(a) The second Tuesday in March;**
- 35 [(a)] **(b) The third Tuesday in May; or**
- 36 [(b)] **(c) The first Tuesday after the first Monday in November.**

37 (3) An emergency election may be held on a date other than those provided in subsection (1)
 38 or (2) of this section if the county governing body by resolution finds that an emergency exists that
 39 will require an election sooner than the next available election date to avoid extraordinary hardship
 40 to the community. A determination under this subsection as to whether an emergency exists is
 41 within the sole discretion of the county governing body.

42 (4) A county governing body, with adequate notice, shall hold a public hearing, on a date other
 43 than a regularly scheduled meeting, for the purpose of making findings substantiating the fact that
 44 an emergency exists before scheduling an election on a date other than those specified in subsection
 45 (1) or (2) of this section.

1 (5) Notice of a county’s intent to hold an emergency election shall be filed with the county
 2 elections authority no later than 47 days preceding the desired election date. At the time the notice
 3 of election is given to the county elections authority, the county shall also file with the elections
 4 authority a certified copy of the ballot title and a copy of the resolution and findings adopted by the
 5 county governing body to authorize the emergency election as required under subsection (4) of this
 6 section.

7 **SECTION 9.** ORS 221.230 is amended to read:

8 221.230. (1) Except as provided in subsection (3) of this section, no election on a city measure
 9 referred by the city governing body or for a city office shall be held on any date other than:

- 10 (a) The second Tuesday in March;
- 11 (b) The third Tuesday in May;
- 12 (c) The third Tuesday in September; or
- 13 (d) The first Tuesday after the first Monday in November.

14 (2) Except as provided in subsection (3) of this section, no election on a city measure other than
 15 a city measure referred by the city governing body shall be held on any date other than:

- 16 **(a) The second Tuesday in March;**
- 17 [~~a~~] **(b)** The third Tuesday in May; or
- 18 [~~b~~] **(c)** The first Tuesday after the first Monday in November.

19 (3) An emergency election may be held on a date other than those provided in subsection (1)
 20 or (2) of this section if the city governing body by resolution finds that an emergency exists that
 21 will require an election sooner than the next available election date to avoid extraordinary hardship
 22 to the community. A determination under this subsection as to whether an emergency exists is
 23 within the sole discretion of the city governing body.

24 (4) A city governing body, with adequate notice, shall hold a public hearing, on a date other
 25 than a regularly scheduled council meeting, for the purpose of making findings substantiating the
 26 fact that an emergency exists before scheduling an election on a date other than those specified in
 27 subsection (1) or (2) of this section.

28 (5) Notice of a city’s intent to hold an emergency election shall be filed with the county
 29 elections authority no later than 47 days preceding the desired election date. At the time the notice
 30 of election is given to the county elections authority, the city shall also file with the elections au-
 31 thority a certified copy of the ballot title and a copy of the resolution and findings adopted by the
 32 city governing body to authorize the emergency election as required under subsection (4) of this
 33 section.

34 **SECTION 10. This 2019 Act takes effect on the 91st day after the date on which the 2019**
 35 **regular session of the Eightieth Legislative Assembly adjourns sine die.**