

# Senate Bill 1034

Sponsored by Senator LINTHICUM; Senators BOQUIST, GIROD, HANSELL, OLSEN, THATCHER, THOMSEN, Representative POST

## 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**.

Requires party to nominate between three and five qualified persons to fill vacancy when vacancy occurs in partisan elective statewide office and individual last elected to office was affiliated with major political party. Requires Governor to select one of nominated persons for appointment. Establishes timelines for nomination and appointment.

## A BILL FOR AN ACT

1  
2 Relating to filling vacancies in partisan elected offices; creating new provisions; and amending ORS  
3 236.100.

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

5 **SECTION 1.** ORS 236.100 is amended to read:

6 236.100. (1) Except as provided in subsection (2) of this section, whenever a vacancy occurs in  
7 any partisan elective office in this state and is to be filled by appointment, no person shall be eli-  
8 gible for such appointment unless the person is affiliated, as determined by the appropriate entry  
9 on the person's official election registration card with the same political party:

10 (a) As that by which the elected predecessor in the office was designated on the election ballot,  
11 if the name of the predecessor was printed on the election ballot.

12 (b) As that by which the elected predecessor in the office was designated on the elector regis-  
13 tration card of the predecessor on the date of the election at which the predecessor was elected, if  
14 the name of the predecessor was not printed on the ballot.

15 (2) Under either of the following circumstances, a person who is otherwise eligible for appoint-  
16 ment to fill a vacancy described in subsection (1) of this section may be appointed to fill the vacancy  
17 regardless of the person's affiliation or lack of affiliation with a political party:

18 (a) If the name of the elected predecessor in the office was printed on the ballot and the pred-  
19 ecessor was not designated on the election ballot as affiliated with a political party.

20 (b) If the name of the elected predecessor in the office was not printed on the ballot and the  
21 predecessor was not designated as affiliated with a political party on the elector registration card  
22 of the predecessor on the date of the election at which the predecessor was elected.

23 **(3)(a)(A) Whenever any vacancy occurs in a partisan elective statewide office where the**  
24 **individual last elected to the office was affiliated with a major political party, as determined**  
25 **under subsection (1) of this section, the Secretary of State shall immediately notify the per-**  
26 **son designated by the major political party to receive such notice. The party shall, pursuant**  
27 **to party rule, nominate not fewer than three nor more than five qualified persons to fill the**  
28 **vacancy.**

29 **(B) A person may not be nominated to fill a vacancy under this subsection unless the**  
30 **person:**

**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 (i) Satisfies the requirements set forth in subsection (1) of this section; and

2 (ii) Signs a written statement indicating that the person is willing to serve in the partisan  
3 elective statewide office.

4 (C) As soon as the nominees have been appointed, but no later than 20 days after the  
5 vacancy occurs, the major political party shall notify the Governor of the persons nominated.  
6 The notification shall be accompanied by the signed written statement of each nominee in-  
7 dicating that the nominee is willing to serve in the statewide office.

8 (D) If a major political party submits the names of nominees under this subsection, the  
9 Governor shall fill the vacancy in the partisan elective office by appointing one of the persons  
10 nominated. The vacancy must be filled by appointment within 30 days after its occurrence.

11 (b) As used in this subsection, “partisan elective statewide office” means the office of  
12 Secretary of State, State Treasurer or Attorney General.

13 **SECTION 2.** The amendments to ORS 236.100 by section 1 of this 2019 Act apply to va-  
14 cancies in partisan elective statewide office that occur on or after the effective date of this  
15 2019 Act.