

House Bill 4143

Sponsored by COMMITTEE ON RULES (at the request of Representative Barbara Smith Warner)

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 Governor to appoint United States Senator when vacancy in office occurs. Requires that appointed Senator be of same political party as elected Senator who vacated office.

Requires appointment to end when term of office ends or when replacement is elected at next general election to occur 61 or more days after vacancy, whichever comes first.

A BILL FOR AN ACT

1
2 Relating to vacancies in congressional office; creating new provisions; and amending ORS 188.120.

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

4 **SECTION 1. Section 2 of this 2022 Act is added to and made a part of ORS 188.010 to**
5 **188.305.**

6 **SECTION 2. (1)(a) If a vacancy in election or office of United States Senator occurs, the**
7 **Governor shall fill the vacancy by appointment. The Governor shall make the appointment**
8 **required under this subsection no later than 30 days after the vacancy occurs.**

9 (b)(A) A person appointed under this subsection must:

10 (i) Be a citizen qualified to hold the office; and

11 (ii) For at least 180 days before the date on which the vacancy occurred, be affiliated with
12 the same political party as the person who vacated the office of United States Senator.

13 (B) The political affiliation of a person appointed under this subsection shall be deter-
14 mined under ORS 236.100.

15 (c) An appointment made under this subsection shall expire when the term of office ends
16 or a successor to the office is elected and qualified under subsection (2) of this section,
17 whichever occurs first.

18 (2) Notwithstanding any appointment under subsection (1) of this section:

19 (a) When a vacancy occurs in the office of United States Senator before the 61st day
20 before the first general election to be held during that term of office, the remaining four
21 years of the term of office shall be filled by the electors of this state at the next general
22 election that occurs 61 or more days after the vacancy occurs; and

23 (b) When a vacancy occurs in the office of United States Senator before the 61st day
24 before the second general election to be held during that term of office, the remaining two
25 years of the term of office shall be filled by the electors of this state at the next general
26 election that occurs 61 or more days after the vacancy occurs.

27 **SECTION 3. ORS 188.120 is amended to read:**

28 188.120. (1) If a vacancy in election or office of Representative in Congress [*or United States*
29 *Senator*] occurs before the 61st day before the general election, the Governor shall call a special
30 election to fill that vacancy. [*If a vacancy in election or office of United States Senator occurs after*

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 *the 62nd day before the general election but on or before the general election, and if the term of that*
2 *office is not regularly filled at that election, the Governor shall call a special election to fill the vacancy*
3 *as soon as practicable after the general election.]*

4 (2) If a special election to fill the vacancy in election or office of Representative in Congress
5 [or *United States Senator*] is called before the 80th day after the vacancy occurs, each major political
6 party shall select its nominee for the office and certify the name of the nominee to the Secretary
7 of State. The Secretary of State shall place the name of the nominee on the ballot.

8 (3) If a special election to fill the vacancy in election or office of Representative in Congress
9 [or *United States Senator*] is called after the 79th day after the vacancy occurs, a special primary
10 election shall be conducted by the Secretary of State for the purpose of nominating a candidate of
11 each major political party. A declaration of candidacy or nominating petition may be filed not later
12 than the 10th day following the issuance of the writ of election.

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