

House Bill 2124

Sponsored by Representative MANNIX (Pre-session filed.)

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 nominating ballot, general election ballot and special election ballot to identify incumbent judge as "appointed incumbent" if judge was appointed to current term of office or as "elected incumbent" if judge was elected to current term of office.

A BILL FOR AN ACT

1
2 Relating to how incumbent judges are referenced on ballots; amending ORS 254.085, 254.125 and
3 254.135.

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

5 **SECTION 1.** ORS 254.125 is amended to read:

6 254.125. (1) The names of candidates for a nonpartisan office at a nominating election held on
7 the date of the primary election shall be listed without political party designation on a nominating
8 ballot under the title, and department or position number if any, of the office.

9 (2) At the primary election or general election:

10 (a) The names of candidates who are opposed for nomination or election to the Supreme Court,
11 Court of Appeals, Oregon Tax Court and circuit court shall be printed on the ballot before the
12 names of candidates for those offices who are unopposed; and

13 (b)(A) The [*word "incumbent"*] **words "appointed incumbent"** shall follow the name of each
14 candidate for the Supreme Court, Court of Appeals, Oregon Tax Court or circuit court who is des-
15 ignated the incumbent by the Secretary of State under ORS 254.085 **and who was appointed to the**
16 **candidate's current term of office.**

17 (B) **The words "elected incumbent" shall follow the name of each candidate for the Su-**
18 **preme Court, Court of Appeals, Oregon Tax Court or circuit court who is designated the**
19 **incumbent by the Secretary of State under ORS 254.085 and who was elected to the**
20 **candidate's current term of office.**

21 **SECTION 2.** ORS 254.135 is amended to read:

22 254.135. (1) The official general or special election ballot shall be styled "Official Ballot" and
23 shall state:

24 (a) The name of the county for which it is intended.

25 (b) The date of the election.

26 (c) The names of all candidates for offices to be filled at the election whose nominations have
27 been made and accepted and who have not died, withdrawn or become disqualified. The ballot may
28 not contain the name of any other person.

29 (d) The number, ballot title and financial estimates under ORS 250.125 of any measure to be
30 voted on at the election.

31 (2) The names of candidates for President and Vice President of the United States shall be

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 printed in groups together, with their political party designations. The names of the electors may
 2 not be printed on the general election ballot. A vote for the candidates for President and Vice
 3 President is a vote for the group of presidential electors supporting those candidates and selected
 4 as provided by law. The general election ballot shall state that electors of President and Vice
 5 President are being elected and that a vote for the candidates for President and Vice President shall
 6 be a vote for the electors supporting those candidates.

7 (3)(a) The name of each candidate nominated shall be printed on the ballot in but one place,
 8 without regard to how many times the candidate may have been nominated, except in circumstances
 9 where a candidate may hold more than one office or nomination without violating ORS 249.013. The
 10 name of a political party, or names of political parties, shall be printed with the name of a candidate
 11 for other than nonpartisan office according to the following rules:

12 (A) For a candidate not affiliated with a political party who is nominated by a minor political
 13 party, the name of the minor political party shall be printed with the name of the candidate;

14 (B) For a candidate not affiliated with a political party who is nominated by more than one
 15 minor political party, the names of not more than three minor political parties selected by the can-
 16 didate shall be printed with the name of the candidate;

17 (C) For a candidate who is a member of a political party who is nominated by a political party
 18 of which the candidate is not a member, the name of the political party that nominated the candi-
 19 date shall be printed with the name of the candidate;

20 (D) For a candidate who is a member of a political party who is nominated by more than one
 21 political party of which the candidate is not a member, the names of not more than three political
 22 parties selected by the candidate shall be printed with the name of the candidate;

23 (E) For a candidate who is nominated only by a political party of which the candidate is a
 24 member, the name of the political party of which the candidate is a member shall be printed with
 25 the name of the candidate; and

26 (F) For a candidate who is nominated by a political party of which the candidate is a member
 27 and by any political party or parties of which the candidate is not a member, the name of the poli-
 28 tical party of which the candidate is a member and the names of not more than two other political
 29 parties selected by the candidate shall be printed with the name of the candidate.

30 (b) If a candidate is required to select the name of a political party to be printed on the ballot
 31 under paragraph (a) of this subsection, the candidate shall notify the filing officer of the selection
 32 not later than the 61st day before the day of the election.

33 (c)(A) The [word “incumbent”] words **“appointed incumbent”** shall be printed with the name
 34 of each candidate for the Supreme Court, Court of Appeals, Oregon Tax Court or circuit court who
 35 is designated the incumbent by the Secretary of State under ORS 254.085 **and who was appointed**
 36 **to the candidate’s current term of office.**

37 (B) **The words “elected incumbent” shall be printed with the name of each candidate for**
 38 **the Supreme Court, Court of Appeals, Oregon Tax Court or circuit court who is designated**
 39 **the incumbent by the Secretary of State under ORS 254.085 and who was elected to the**
 40 **candidate’s current term of office.**

41 (d) The word “nonaffiliated” shall be printed with the name of each candidate who is not affil-
 42 iated with a political party and who is nominated by an assembly of electors or individual electors.

43 (e) If two or more candidates for the same office have the same or similar surnames, the location
 44 of their places of residence shall be printed with their names to distinguish one from another.

45 (4) Notwithstanding subsection (3)(a) of this section, the name of a candidate nominated for more

1 than one district office that is to be filled at the same election shall be separately printed upon the
2 ballot for each district office for which the candidate is nominated.

3 **SECTION 3.** ORS 254.085 is amended to read:

4 254.085. (1) The Secretary of State, not later than the 61st day before the date of a primary or
5 general election, shall file with each county clerk a statement of the federal and state offices to be
6 filled or for which candidates are to be nominated in the county at the election, information con-
7 cerning all candidates for the offices, and the state measures to be voted on.

8 (2)(a) The information concerning candidates for the Supreme Court, Court of Appeals, Oregon
9 Tax Court and circuit court shall include:

10 (A) A designation of **appointed** incumbent for each candidate who **was** [*is the regularly elected*
11 *or*] appointed **to the candidate's current term of office as** judge of the court to which the can-
12 didate seeks election[.]; **or**

13 (B) **A designation of elected incumbent for each candidate who was elected to the**
14 **candidate's current term of office as judge of the court to which the candidate seeks**
15 **election.**

16 (b) If a candidate was regularly elected or appointed to a specific position or department on the
17 court, the candidate shall be designated as the incumbent only if the person is a candidate for that
18 position or department.

19 (3) Included with each state measure shall be the measure number, the latest ballot title certi-
20 fied by the Attorney General under ORS 250.067 (2) or, if the Supreme Court has reviewed the title
21 under ORS 250.085, the title certified by the court and the financial estimates under ORS 250.125.
22 The Secretary of State shall keep a copy of the statement.

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