

Senate Bill 499

Sponsored by Senator WEBER (Presession 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**.

Changes date of certain elections in presidential years from third Tuesday in May to first Tuesday in March.

A BILL FOR AN ACT

1
2 Relating to statutory election dates; amending ORS 171.185, 203.085, 221.230, 249.037, 254.056,
3 255.185, 255.335, 255.345 and 258.075.

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)(a)(A) **Except as provided in subparagraph (B) of this paragraph**, the primary election
11 shall be held on the third Tuesday in May of each even-numbered year. [*At the primary election*
12 *precinct committeepersons shall be elected and major political party candidates shall be nominated for*
13 *offices to be filled at the general election held in that year.*]

14 **(B) The primary election shall be held on the first Tuesday in March of each even-**
15 **numbered year in which a President and Vice President of the United States are to be nom-**
16 **inated and elected.**

17 **(b) At the primary election, major political party candidates shall be nominated for of-**
18 **fices to be filled at the general election held in that year.**

19 **SECTION 2.** ORS 255.185 is amended to read:

20 255.185. (1) In a district that holds regular district elections, if an initiative or referendum pe-
21 tition contains the required number of verified signatures, the election on the district measure shall
22 be held on the **first Tuesday in March**, third Tuesday in May, the first Tuesday after the first
23 Monday in November or the date of the next scheduled regular district election. The election date
24 may not be sooner than the next available date listed in this subsection for which the filing deadline
25 may be met and may not be later than the first regular district election following the 40th day after
26 the date of the order calling the election.

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

31 **SECTION 3.** ORS 255.335 is amended to read:

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.

1 255.335. Except as provided in ORS 255.400 to 255.424:

2 (1) The regular district election shall be held by each district for the purpose of electing mem-
 3 bers of the district board to succeed a member whose term expires the following June 30 and to
 4 elect members to fill any vacancy which then may exist. The election shall be held in each such
 5 district in each odd-numbered year on **either the first Tuesday in March or** the third Tuesday in
 6 May.

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

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

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

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

16 **SECTION 4.** ORS 249.037 is amended to read:

17 249.037. (1) Except as otherwise provided in this section, a nominating petition or declaration
 18 of candidacy shall be filed not sooner than the 250th day and not later than the 70th day before the
 19 date of the nominating election.

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

23 *[(3) A declaration of candidacy for the office of precinct committeeperson shall be filed not sooner*
 24 *than the 250th day and not later than the 70th day before the date of the primary election.]*

25 **SECTION 5.** ORS 221.230 is amended to read:

26 221.230. (1) Except as provided in subsection (3) of this section, no election on a city measure
 27 referred by the city governing body or for a city office shall be held on any date other than:

- 28 (a) The *[second]* **first** Tuesday in March;
- 29 (b) The third Tuesday in May;
- 30 (c) The fourth Tuesday in August; 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 city measure other than
 33 a city measure referred by the city governing body shall be held on any date other than:

- 34 **(a) The first 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 city 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 city governing body.

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

1 (5) Notice of a city'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 city shall also file with the elections au-
 4 thority a certified copy of the ballot title and a copy of the resolution and findings adopted by the
 5 city governing body to authorize the emergency election as required under subsection (4) of this
 6 section.

7 **SECTION 6.** ORS 203.085 is amended to read:

8 203.085. (1) Except as provided in subsection (3) of this section, no election on a county measure
 9 referred by the county governing body or for a county office shall be held on any date other than:

- 10 (a) The [*second*] **first** Tuesday in March;
- 11 (b) The third Tuesday in May;
- 12 (c) The fourth Tuesday in August; 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 county measure other
 15 than a county measure referred by the county governing body shall be held on any date other than:

- 16 **(a) The first 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 county 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 county governing body.

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

28 (5) Notice of a county'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 county shall also file with the elections
 31 authority a certified copy of the ballot title and a copy of the resolution and findings adopted by the
 32 county governing body to authorize the emergency election as required under subsection (4) of this
 33 section.

34 **SECTION 7.** ORS 171.185 is amended to read:

35 171.185. (1) Except as provided in subsection (2) of this section, an election called by the Leg-
 36 islative Assembly shall be held only on:

- 37 (a) The [*second*] **first** Tuesday in March;
- 38 (b) The third Tuesday in May;
- 39 (c) The fourth Tuesday in August; or
- 40 (d) The first Tuesday after the first Monday in November.

41 (2) An election may be held on a date other than that provided in subsection (1) of this section,
 42 if the Legislative Assembly by resolution or Act finds that an election sooner than the next avail-
 43 able election date is required on a measure to finance repairs to property damaged by fire,
 44 vandalism or a natural disaster.

45 **SECTION 8.** ORS 255.345 is amended to read:

1 255.345. (1) Except as provided in subsection (2) of this section, a special election called by a
 2 district elections authority shall not be held on any date other than:

- 3 (a) The [second] **first** Tuesday in March;
- 4 (b) The third Tuesday in May;
- 5 (c) The fourth Tuesday in August; or
- 6 (d) The first Tuesday after the first Monday in November.

7 (2) A special election may be held on a date other than that provided in subsection (1) of this
 8 section, if the district elections authority by resolution finds that an election sooner than the next
 9 available election date is required on a measure to finance repairs to property damaged by fire,
 10 vandalism or a natural disaster.

11 (3) As used in this section, “district elections authority” means the body or officer authorized
 12 or required to call an election for a public corporation formed under, and deriving its powers solely
 13 from, the statutes of this state, but does not include a city or county.

14 **SECTION 9.** ORS 258.075 is amended to read:

15 258.075. (1) Except as provided in subsection (4) of this section, after the contest hearing, the
 16 circuit court shall render a judgment affirming or setting aside the approval or rejection of the
 17 measure.

18 (2) If the judgment sets aside the approval or rejection of a measure, the circuit court shall di-
 19 rect the measure to be resubmitted at a special election held on one of the dates specified in this
 20 subsection, as set by the court. In setting the election date, the court shall provide sufficient time
 21 for adequate notice to be given. The special election may be held on any of the following dates:

- 22 (a) The [second] **first** Tuesday in March;
- 23 (b) The third Tuesday in May;
- 24 (c) The fourth Tuesday in August; or
- 25 (d) The first Tuesday after the first Monday in November.

26 (3) The county of the county clerk or the local elections official who committed the error in the
 27 distribution of the official ballots shall bear the cost of the special election.

28 (4) In a contest under ORS 258.016 (7), the court shall determine whether the challenge to the
 29 determination of the number of electors who were eligible on election day to participate in the
 30 election on a measure conducted under Article XI, section 11 (8), of the Oregon Constitution, is
 31 valid. In making the determination, the court shall rely on the provisions of ORS chapter 247 and
 32 shall receive testimony from the county clerk regarding the clerk’s administration of ORS chapter
 33 247. If, after a contest hearing, the court determines that the challenge to the determination of the
 34 number of electors who were eligible to participate is valid and that the change in the number of
 35 electors eligible to participate is sufficient to change the outcome of the election on the measure,
 36 the court shall order the county clerk to make a new determination of the number of eligible elec-
 37 tors and to certify the results of the election based on the new determination.