

A-Engrossed
House Bill 4021

Ordered by the House February 28
Including House Amendments dated February 28

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Rules for Representative Julie Fahey)

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act requires the Governor to appoint a U.S. Senator when a vacancy happens in the office. The Act states when the appointment ends and when a special election must occur. (Flesch Readability Score: 62.8).

[Digest: The Act requires the Governor to appoint a U.S. Senator when a vacancy happens in the office. The Act states when the appointment ends. (Flesch Readability Score: 67.7).]

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

Requires the Governor to call a special election within a specified period after the vacancy occurs. Requires the appointment to end *[when the term of office ends or]* when a replacement is elected, *whichever comes first*.

A BILL FOR AN ACT

1
2 Relating to vacancies in the United States Senate; amending ORS 188.120.

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

4 **SECTION 1.** ORS 188.120 is amended to read:

5 188.120. (1) If a vacancy in election or office of Representative in Congress or United States
6 Senator occurs before the 61st day before the general election, the Governor shall call a special
7 election to fill that vacancy. If a vacancy in election or office of United States Senator occurs after
8 the 62nd day before the general election but on or before the general election, and if the term of
9 that office is not regularly filled at that election, the Governor shall call a special election to fill
10 the vacancy *[as soon as practicable after the general election]*, **with the special election occurring**
11 **at least 80 days and not more than 150 days after the vacancy occurred.**

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

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

21 **(4)(a) For a vacancy in election or office of United States Senator, the Governor shall fill**
22 **the vacancy by appointment. The Governor shall make the appointment required under this**

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 subsection no later than 30 days after the vacancy occurs.

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

3 (A) Be a citizen qualified to hold the office; and

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

6 (c) The political affiliation of a person appointed under this subsection shall be deter-
7 mined in accordance with ORS 236.100.

8 (d) An appointment made under this subsection shall expire when the term of office ends
9 or a successor to the office is elected and qualified under this section, whichever occurs first.

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