

# D R A F T

## SUMMARY

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).

Requires the Governor to call a special election within a specified period after a vacancy in election or office of United States Senator occurs.

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 appointment to end when a replacement is elected.

## 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  
6 or United States Senator occurs before the 61st day before the general  
7 election, the Governor shall call a special election to fill that vacancy.

8 (2) If a vacancy in election or office of United States Senator occurs after  
9 the 62nd day before the general election but on or before the general  
10 election, and if the term of that office is not regularly filled at that election,  
11 the Governor shall call a special election to fill the vacancy [*as soon as*  
12 *practicable after the general election*].

13 (3) **For any special election called by the Governor under subsection**  
14 **(1) or (2) of this section to fill a vacancy in election or office of United**  
15 **States Senator, the special election must occur not less than 80 days**  
16 **and not more than 150 days after the vacancy occurred.**

1 [(2)] (4) If a special election to fill the vacancy in election or office of  
2 Representative in Congress [*or United States Senator*] is called before the  
3 80th day after the vacancy occurs, each major political party shall select its  
4 nominee for the office and certify the name of the nominee to the Secretary  
5 of State. The Secretary of State shall place the name of the nominee on the  
6 ballot.

7 [(3)] (5) If a special election to fill the vacancy in election or office of  
8 Representative in Congress or United States Senator is called after the 79th  
9 day after the vacancy occurs, a special primary election shall be conducted  
10 by the Secretary of State for the purpose of nominating a candidate of each  
11 major political party. A declaration of candidacy or nominating petition may  
12 be filed not later than the 10th day following the issuance of the writ of  
13 election.

14 **(6)(a) For a vacancy in election or office of United States Senator,**  
15 **the Governor shall fill the vacancy by appointment. The Governor**  
16 **shall make the appointment required under this subsection no later**  
17 **than 30 days after the vacancy occurs.**

18 **(b) A person appointed under this subsection must:**

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

20 **(B) For at least 180 days before the date on which the vacancy oc-**  
21 **curred, be affiliated with the same political party as the person who**  
22 **vacated the office of United States Senator.**

23 **(c) The political affiliation of a person appointed under this sub-**  
24 **section shall be determined in accordance with ORS 236.100.**

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

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