# House Bill 2571

Sponsored by Representative HOLVEY; Senator BOQUIST (at the request of Oregon Association of County Clerks) (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.

Removes option for major political parties to elect precinct committeepersons at primary election. Allows major political party to select precinct committeeperson in any manner provided by party.

### A BILL FOR AN ACT

- 2 Relating to precinct committeepersons; creating new provisions; amending ORS 248.007, 248.035, 3 248.043, 248.045, 249.013, 249.031, 249.035, 249.037, 249.056, 251.026, 254.056, 254.115 and 260.005; and repealing ORS 248.015, 248.017, 248.023, 248.024, 248.026, 248.027 and 248.029.
- 5 Be It Enacted by the People of the State of Oregon:
  - **SECTION 1.** ORS 248.007 is amended to read:
  - 248.007. (1) Subject to ORS 248.005, a major political party may organize and select delegates to national party conventions in any manner.
  - (2) A major political party may select precinct committeepersons as representatives of the major political party in the precinct in any manner provided by the party.
  - [(2)] (3) The provisions of ORS 248.012 to 248.315 do not apply to a major political party if the party has notified the Secretary of State as provided in subsection (5) of this section that the party does not intend to be subject to the provisions of ORS 248.012 to 248.315. References to precinct committeepersons in any provisions of ORS chapters 246 to 260 do not apply to a party described in this subsection.
  - [(3)] (4) ORS 248.012 to 248.315 apply only to a major political party that has notified the Secretary of State as provided in subsection (5) of this section that the political party intends to be subject to the provisions of ORS 248.012 to 248.315. References to precinct committeepersons in any provisions of ORS chapters 246 to 260 shall apply to a party described in this subsection. If a major political party fails to notify the Secretary of State under this subsection, the party shall be considered subject to the provisions of ORS 248.012 to 248.315.
  - [(4) A major political party shall notify the Secretary of State as provided in subsection (5) of this section if the party does not intend to be subject to the provisions of ORS 248.012 to 248.315 except that the party intends to elect precinct committeepersons. If a party notifies the Secretary of State under this subsection, the party shall elect precinct committeepersons only as provided in ORS 248.015 and shall elect precinct committeepersons in the same manner in all precincts in this state.]
  - (5) Not later than the 274th day before the date of the primary election, a major political party shall notify the Secretary of State in writing whether or not the party intends to be subject to the provisions of ORS 248.012 to 248.315. [or whether the party intends to elect precinct committeepersons under subsection (4) of this section. If the major political party does not intend to be subject to the

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provisions of ORS 248.012 to 248.315 or intends to elect precinct committeepersons under subsection (4) of this section, the party shall file with the Secretary of State,] At the same time notice is given under this subsection, the party shall file with the secretary a copy of its organizational documents setting forth the manner in which its officers and managing committees are selected [or] and any other manner in which it conducts its affairs.

- (6) In each even-numbered year, a major political party shall file with the Secretary of State a statement indicating that the party is operating subject to ORS 248.012 to 248.315 [or] and a copy of current organizational documents setting forth the manner in which its officers and managing committees are selected [or] and any other manner in which it conducts its affairs. Material described in this subsection shall be filed on the 274th day before the third Tuesday in May of each odd-numbered year.
- (7) A major political party subject to the provisions of this section shall nominate candidates of the major political party, for other than political party office, at the primary election.

#### SECTION 2. ORS 248.035 is amended to read:

248.035. (1) At the organizational meeting of a county central committee:

- (a) The officers of the retiring county central committee shall make available to the committee the property, records and funds owned or controlled by the retiring committee.
- (b) The committee next shall elect a chairperson, vice chairperson and other officers the committee considers necessary. The persons elected to the offices need not be members of the county central committee. The committee shall determine the term of each office. [Only a newly elected precinct committeeperson may vote on the election of committee officers.]
- (2) The elected chairperson, within 48 hours of the chairperson's election, shall send a list of the officers of the committee to the county clerk and to the state central committee.
- (3) [Only a newly elected precinct committeeperson or a person appointed or selected to fill a vacancy in the office of committeeperson may vote to fill a vacancy in a committee office.] Immediately before a meeting of the county central committee at which there may be an election to fill a vacancy in a committee office, the chairperson shall obtain from the county clerk a list of committee members. [The list shall determine the eligibility of a committeeperson to vote to fill a vacancy in a committee office.]

# SECTION 3. ORS 248.043 is amended to read:

248.043. If a newly elected county central committee fails to meet or to organize or if no person within a county is [elected] selected by a major political party as a precinct committeeperson, the chairperson of the retiring state central committee shall appoint a temporary chairperson of the county central committee. The temporary chairperson shall call an organizational meeting and organize the committee as provided by applicable provisions of ORS 248.033 and 248.035. A temporary chairperson appointed when no precinct committeeperson is [elected] selected may appoint members to fill the vacancies in the office of committeeperson for the precinct in which the persons are registered. A person so appointed may be removed from office at the pleasure of the central committee, but otherwise shall hold the office of committeeperson for the unexpired term and shall have the powers, duties and privileges of a committeeperson. When a person is appointed to the office of committeeperson pursuant to this subsection, the temporary chairperson shall notify, in writing, the county clerk of the appointment. The county clerk shall place the name of the person appointed on the list of committeepersons.

## **SECTION 4.** ORS 248.045 is amended to read:

248.045. Proxies in no instance shall be permitted to participate at any county central committee

1 meeting. At any meeting of the county central committee, the committee may:

- (1) Adopt, amend or repeal bylaws or rules for the government of the political party in the county.
- (2) By the adoption of bylaws or of a resolution, select an executive committee and authorize the executive committee to exercise those powers delegated to it by the central committee [including, but not limited to, the power to fill a vacancy in the office of committeeperson pursuant to ORS 248.026]. In no event may the central committee delegate, or the executive committee exercise, the power to elect a person to, or fill a vacancy in a committee office. The persons selected as the executive committee need not be members of the county central committee.
  - (3) [Except as provided by ORS 248.035 (3),] Grant participation and voting privileges to a:
  - (a) Person who holds a public office or an office of a political party.
  - (b) Person who has been nominated for a public office at the preceding primary election.
  - (c) Member of the executive committee of the county central committee.
  - **SECTION 5.** ORS 249.013 is amended to read:

- 249.013. (1) A person may not be a candidate for more than one lucrative office to be filled at the same election.
- (2) A person may not file a nominating petition or declaration of candidacy for more than one lucrative office [or more than one office of precinct committeeperson] before the date of the election at which a person will be nominated or elected to each office unless the person first files a written withdrawal, under ORS 249.170, of the person's initial filing.
- (3) If at any time before the date of the election at which a person will be nominated or elected to each office it is determined that a person has filed two or more nominating petitions or declarations of candidacy for any lucrative office [or two or more nominating petitions or declarations of candidacy for the office of precinct committeeperson] without written withdrawal or withdrawals intervening, all such filings are invalid and any other filing made by the same person is void.
- (4)(a) A person may not be a candidate for more than one position on the same district board to be filled at the same election.
- (b) As used in this subsection, "district board" means the governing body of a district as defined in ORS 255.012.
- (5) A person may not be a candidate for more than one city office to be filled at the same election.
- (6) Notwithstanding any provision of this section, in the case of a vacancy to be filled by election, the same person is eligible for nomination and election to both the unexpired and the succeeding terms. The name of the candidate may be placed on the ballot in both places.

#### **SECTION 6.** ORS 249.031 is amended to read:

- 249.031. (1) [Except as provided in subsection (2) of this section,] A nominating petition or declaration of candidacy shall contain:
- (a) The name by which the candidate is commonly known. A candidate may use a nickname in parentheses in connection with the candidate's full name.
  - (b) Address information as required by the Secretary of State by rule.
- (c) The office and department or position number, if any, for which the candidate seeks nomination.
- (d) If the candidate is seeking the nomination of a major political party, the name of the major political party of which the candidate will have been a member, subject to the exceptions stated in ORS 249.046, during at least 180 days before the deadline for filing a nominating petition or decla-

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- (e) A statement that the candidate is willing to accept the nomination or election [or, regarding a candidate for precinct committeeperson, that the candidate accepts the office if elected].
  - (f) A statement that the candidate will qualify if elected.
- (g) If the candidate is seeking the nomination of a major political party, a statement that the candidate, if not nominated, will not accept the nomination or endorsement of any political party other than the one of which the candidate is a member on the date the petition or declaration is filed.
  - (h) The signature of the candidate.
- 10 (i) A statement of the candidate's occupation, educational and occupational background and 11 prior governmental experience.
  - [(2) Subsection (1)(i) of this section does not apply to a candidate for election as a precinct committeeperson.]
  - [(3)] (2) A declaration of candidacy shall include a statement that the required fee is included with the declaration.
  - [(4) If required by the national rules of the major political party, the declaration of a candidate for election as a precinct committeeperson shall include the name of the individual the candidate supports for President of the United States or "uncommitted" or "no preference."]

#### **SECTION 7.** ORS 249.035 is amended to read:

- 249.035. A nominating petition or declaration of candidacy relating to a candidate for:
- 21 (1) State office, United States Senator or Representative in Congress shall be filed with the 22 Secretary of State.
  - (2) County office [or precinct committeeperson] shall be filed with the county clerk.
  - (3) City office shall be filed with the chief city elections officer.
  - (4) Any elected office of a metropolitan service district under ORS chapter 268 shall be filed with the county clerk of the county in which the administrative office of the district is located.
    - (5) Any other office shall be filed under ORS chapter 255.

#### **SECTION 8.** ORS 249.037 is amended to read:

- 249.037. (1) Except as otherwise provided in this section, a nominating petition or declaration of candidacy shall be filed not sooner than the 250th day and not later than the 70th day before the date of the primary election.
- (2) If a vacancy occurs in a partisan elective office after the 80th day and before the 70th day before the primary election, a nominating petition or declaration of candidacy for that office may be filed not later than the 65th day before the primary election.
- [(3) A declaration of candidacy for the office of precinct committeeperson may not be filed before February 1 immediately preceding the primary election.]

# SECTION 9. ORS 249.056 is amended to read:

- 249.056. (1) At the time of filing a declaration of candidacy a candidate for the following offices shall pay to the officer with whom the declaration is filed the following fee:
  - (a) United States Senator, \$150.
- (b) Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Representative in Congress, judge of the Supreme Court, Court of Appeals or Oregon Tax Court, or executive officer or auditor of a metropolitan service district, \$100.
- (c) County officer, district attorney, county judge who exercises judicial functions or circuit court judge, \$50.

- (d) State Senator or Representative or councilor of a metropolitan service district under ORS chapter 268, \$25.
- 3 (2) [No filing fee shall be required of] A filing fee is not required for persons filing a declara-4 tion of candidacy for [precinct committeeperson or] justice of the peace.

#### **SECTION 10.** ORS 251.026 is amended to read:

- 251.026. (1) The Secretary of State shall prepare and have printed in the voters' pamphlet for the state primary election, the general election and any special election described in ORS 251.022 a statement containing, if applicable:
  - (a) Requirements for a citizen to qualify as an elector.
- 10 (b) When an elector is required to register or update a registration.
- [(c) In the voters' pamphlet for the primary election, a statement of the duties and responsibilities of a precinct committeeperson to be elected at the primary election.]
  - [(d)] (c) Any other information the Secretary of State considers relevant to the conduct of the election.
  - (2) The Secretary of State shall include a statement on the cover of the voters' pamphlet that the pamphlet may be used to assist electors in voting.
    - (3) The Secretary of State may include in the voters' pamphlet the following information:
    - (a) Maps showing the boundaries of senatorial and representative districts.
    - (b) Voter registration forms.

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(c) Elector instructions, including the right of an elector to request a second ballot if the first ballot is spoiled and the right of an elector to seek assistance in marking the ballot.

#### **SECTION 11.** ORS 254.056 is amended to read:

- 254.056. (1) The general election shall be held on the first Tuesday after the first Monday in November of each even-numbered year. Except as provided in ORS 254.650, at the general election officers of the state and subdivisions of the state, members of Congress and electors of President and Vice President of the United States as are to be elected in that year shall be elected.
- (2) The primary election shall be held on the third Tuesday in May of each even-numbered year. At the primary election [precinct committeepersons shall be elected and] major political party candidates shall be nominated for offices to be filled at the general election held in that year.

# SECTION 12. ORS 254.115 is amended to read:

- 254.115. (1) The official primary election ballot shall be styled "Official Primary Nominating Ballot for the \_\_\_\_\_\_ Party." and shall state:
  - (a) The name of the county for which it is intended.
  - (b) The date of the primary election.
- (c) The names of all candidates for nomination at the primary election whose nominating petitions or declarations of candidacy have been made and filed, and who have not died, withdrawn or become disqualified.
  - [(d) The names of candidates for election as precinct committeeperson.]
- [(e)] (d) The names of candidates for the party nomination for President of the United States who qualified for the ballot under ORS 249.078.
- (2) The primary election ballot may include any city, county or nonpartisan office or the number, ballot title and financial estimates under ORS 250.125 of any measure.
- (3) The ballot may not contain the name of any person other than those referred to in subsections (1) and (2) of this section. The name of each candidate for whom a nominating petition or declaration of candidacy has been filed shall be printed on the ballot in but one place. In the event

- that two or more candidates for the same nomination or office have the same or similar surnames, 1
- 2 the location of their places of residence shall be printed with their names to distinguish one from another.
- **SECTION 13.** ORS 260.005 is amended to read: 4
  - 260.005. As used in this chapter:

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- (1)[(a)] "Candidate" means:
- [(A)] (a) An individual whose name is printed on a ballot, for whom a declaration of candidacy, nominating petition or certificate of nomination to public office has been filed or whose name is expected to be or has been presented, with the individual's consent, for nomination or election to public office;
- [(B)] (b) An individual who has solicited or received and accepted a contribution, made an expenditure, or given consent to an individual, organization, political party or political committee to solicit or receive and accept a contribution or make an expenditure on the individual's behalf to secure nomination or election to any public office at any time, whether or not the office for which the individual will seek nomination or election is known when the solicitation is made, the contribution is received and retained or the expenditure is made, and whether or not the name of the individual is printed on a ballot; or
  - [(C)] (c) A public office holder against whom a recall petition has been completed and filed.
- [(b) For purposes of this section and ORS 260.035 to 260.156, "candidate" does not include a candidate for the office of precinct committeeperson.]
- (2) "Committee director" means any person who directly and substantially participates in decision-making on behalf of a political committee concerning the solicitation or expenditure of funds and the support of or opposition to candidates or measures. The officers of a political party shall be considered the directors of any political party committee of that party, unless otherwise provided in the party's bylaws.
  - (3) Except as provided in ORS 260.007, "contribute" or "contribution" includes:
- (a) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compensation or consideration, of money, services other than personal services for which no compensation is asked or given, supplies, equipment or any other thing of value:
- (A) For the purpose of influencing an election for public office or an election on a measure, or of reducing the debt of a candidate for nomination or election to public office or the debt of a political committee; or
  - (B) To or on behalf of a candidate, political committee or measure; and
- (b) The excess value of a contribution made for compensation or consideration of less than equivalent value.
- (4) "Controlled committee" means a political committee that, in connection with the making of contributions or expenditures:
  - (a) Is controlled directly or indirectly by a candidate or a controlled committee; or
  - (b) Acts jointly with a candidate or controlled committee.
- (5) "Controlled directly or indirectly by a candidate" means:
- (a) The candidate, the candidate's agent, a member of the candidate's immediate family or any other political committee that the candidate controls has a significant influence on the actions or decisions of the political committee; or
- (b) The candidate's principal campaign committee and the political committee both have the candidate or a member of the candidate's immediate family as a treasurer or director.

- 1 (6) "County clerk" means the county clerk or the county official in charge of elections.
  - (7) "Elector" means an individual qualified to vote under Article II, section 2, of the Oregon Constitution.
  - (8) Except as provided in ORS 260.007, "expend" or "expenditure" includes the payment or furnishing of money or anything of value or the incurring or repayment of indebtedness or obligation by or on behalf of a candidate, political committee or person in consideration for any services, supplies, equipment or other thing of value performed or furnished for any reason, including support of or opposition to a candidate, political committee or measure, or for reducing the debt of a candidate for nomination or election to public office. "Expenditure" also includes contributions made by a candidate or political committee to or on behalf of any other candidate or political committee.
  - (9) "Filing officer" means:

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- (a) The Secretary of State:
  - (A) Regarding a candidate for public office;
- 14 (B) Regarding a statement required to be filed under ORS 260.118;
  - (C) Regarding any measure; or
    - (D) Regarding any political committee.
      - (b) In the case of an irrigation district formed under ORS chapter 545, "filing officer" means:
    - (A) The county clerk, regarding any candidate for office or any measure at an irrigation district formation election where the proposed district is situated wholly in one county;
    - (B) The county clerk of the county in which the office of the secretary of the proposed irrigation district will be located, regarding any candidate for office or any measure at an irrigation district formation election where the proposed district is situated in more than one county; or
    - (C) The secretary of the irrigation district for any election other than an irrigation district formation election.
    - (10) "Independent expenditure" means an expenditure by a person for a communication in support of or in opposition to a clearly identified candidate or measure that is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any political committee or agent of a political committee supporting or opposing a measure. For purposes of this subsection:
      - (a) "Agent" means any person who has:
    - (A) Actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate or on behalf of a political committee supporting or opposing a measure; or
    - (B) Been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related activities the person may authorize expenditures.
      - (b)(A) "Clearly identified" means, with respect to candidates:
      - (i) The name of the candidate involved appears;
      - (ii) A photograph or drawing of the candidate appears; or
- 40 (iii) The identity of the candidate is apparent by unambiguous reference.
- 41 (B) "Clearly identified" means, with respect to measures:
  - (i) The ballot number of the measure appears;
    - (ii) A description of the measure's subject or effect appears; or
- 44 (iii) The identity of the measure is apparent by unambiguous reference.
- 45 (c) "Communication in support of or in opposition to a clearly identified candidate or measure"

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- (A) The communication, taken in its context, clearly and unambiguously urges the election or defeat of a clearly identified candidate for nomination or election to public office, or the passage or defeat of a clearly identified measure;
  - (B) The communication, as a whole, seeks action rather than simply conveying information; and
  - (C) It is clear what action the communication advocates.
- (d) "Made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any political committee or agent of a political committee supporting or opposing a measure":
- (A) Means any arrangement, coordination or direction by the candidate or the candidate's agent, or by any political committee or agent of a political committee supporting or opposing a measure, prior to the publication, distribution, display or broadcast of the communication. An expenditure shall be presumed to be so made when it is:
- (i) Based on information about the plans, projects or needs of the candidate, or of the political committee supporting or opposing a measure, and provided to the expending person by the candidate or by the candidate's agent, or by any political committee or agent of a political committee supporting or opposing a measure, with a view toward having an expenditure made; or
- (ii) Made by or through any person who is or has been authorized to raise or expend funds, who is or has been an officer of a political committee authorized by the candidate or by a political committee or agent of a political committee supporting or opposing a measure, or who is or has been receiving any form of compensation or reimbursement from the candidate, the candidate's principal campaign committee or agent or from any political committee or agent of a political committee supporting or opposing a measure.
- (B) Does not mean providing to the expending person upon request a copy of this chapter or any rules adopted by the Secretary of State relating to independent expenditures.
- (11) "Initiative petition" means a petition to initiate a measure for which a prospective petition has been filed but that is not yet a measure.
- (12) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon Tax Court.
- (13) "Mass mailing" means more than 200 substantially similar pieces of mail, but does not include a form letter or other mail that is sent in response to an unsolicited request, letter or other inquiry.
- (14) "Measure" includes any of the following submitted to the people for their approval or rejection at an election:
  - (a) A proposed law.
  - (b) An Act or part of an Act of the Legislative Assembly.
- (c) A revision of or amendment to the Oregon Constitution.
  - (d) Local, special or municipal legislation.
- (e) A proposition or question.
- 40 (15) "Occupation" means:
  - (a) The nature of an individual's principal business; and
- 42 (b) If the individual is employed by another person, the business name and address, by city and state, of the employer.
- 44 (16) "Person" means an individual, corporation, limited liability company, labor organization, 45 association, firm, partnership, joint stock company, club, organization or other combination of indi-

1 viduals having collective capacity.

- (17) "Petition committee" means an initiative, referendum or recall petition committee organized under ORS 260.118.
- (18) "Political committee" means a combination of two or more individuals, or a person other than an individual, that has:
- (a) Received a contribution for the purpose of supporting or opposing a candidate, measure or political party; or
- (b) Made an expenditure for the purpose of supporting or opposing a candidate, measure or political party. For purposes of this paragraph, an expenditure does not include:
- (A) A contribution to a candidate or political committee that is required to report the contribution on a statement filed under ORS 260.057 or 260.076 or a certificate filed under ORS 260.112; or
  - (B) An independent expenditure for which a statement is required to be filed by a person under ORS 260.044.
  - (19) "Public office" means any national, state, county, district, city office or position, except a political party office, that is filled by the electors.
  - (20) "Recall petition" means a petition to recall a public officer for which a prospective petition has been filed but that is not yet a measure.
  - (21) "Referendum petition" means a petition to refer a measure for which a prospective petition has been filed but that is not yet a measure.
    - (22) "Regular district election" means the regular district election described in ORS 255.335.
  - (23) "State office" means the office of Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, state Senator, state Representative, judge or district attorney.
  - <u>SECTION 14.</u> ORS 248.015, 248.017, 248.023, 248.024, 248.026, 248.027 and 248.029 are repealed.
  - SECTION 15. (1) The amendments to ORS 248.007, 248.035, 248.043, 248.045, 249.013, 249.031, 249.035, 249.037, 249.056, 251.026, 254.056, 254.115 and 260.005 by sections 1 to 13 of this 2017 Act apply to elections occurring on and after the effective date of this 2017 Act.
  - (2) The repeal of ORS 248.015, 248.017, 248.023, 248.024, 248.026, 248.027 and 248.029 by section 14 of this 2017 Act applies to the selection of precinct committeepersons on and after the effective date of this 2017 Act.