

House Bill 3413

Sponsored by Representative WILDE

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**.

Prohibits person who has previously been expelled from Legislative Assembly from being appointed to fill vacancy in office of state Senator or state Representative.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to appointments to fill vacant legislator offices; amending ORS 171.051; and declaring an
3 emergency.

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

5 **SECTION 1.** ORS 171.051 is amended to read:

6 171.051. (1) When any vacancy occurs in the Legislative Assembly due to death, *[or]* recall,
7 **expulsion** or by reason of resignation filed in writing with the Secretary of State or a person is
8 declared disqualified by the house to which the person was elected, the vacancy shall be filled by
9 appointment if:

10 (a) The vacancy occurs during any session of the Legislative Assembly;

11 (b) The vacancy occurs in the office of a state Representative before the 61st day before the
12 general election to be held during that term of office;

13 (c) The vacancy occurs in the office of a state Senator before the 61st day before the first gen-
14 eral election to be held during that term of office;

15 (d) The vacancy occurs in the office of a state Senator at any time after the 62nd day before the
16 first general election and before the 61st day before the second general election to be held during
17 that term of office; or

18 (e) A special session of the Legislative Assembly will be convened before a successor to the of-
19 fice can be elected and qualified.

20 (2) The person appointed under the provisions of subsection (1) of this section shall be a citizen
21 qualified to hold the office, an elector of the affected legislative district and a member of the same
22 political party for at least 180 days before the date on which the vacancy occurred. **A person who**
23 **has previously been expelled from the Legislative Assembly may not be appointed to fill a**
24 **vacancy in the office of state Senator or state Representative.** The political affiliation of a
25 person appointed under subsection (1) of this section shall be determined under ORS 236.100. The
26 appointment shall be made by the county courts or boards of county commissioners of the affected
27 counties pursuant to ORS 171.060 to 171.064. When the provisions of ORS 171.060 (1) are applicable,
28 the appointment shall be made from a list of not fewer than three nor more than five nominees who
29 have signed written statements indicating that they are willing to serve furnished by the Secretary
30 of State. If fewer than three names of nominees are furnished, a list shall not be considered to have
31 been submitted and the county courts or boards of county commissioners shall fill the vacancy. The

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 vacancy must be filled by appointment within 30 days after its occurrence or not later than the time
2 set for the convening of the special session described in subsection (1)(e) of this section when that
3 is the basis for filling the vacancy.

4 (3) If the appointing authority required by this section to fill the vacancy does not do so within
5 the time allowed, the Governor shall fill the vacancy by appointment within 10 days.

6 (4) Notwithstanding any appointment under the provisions of subsection (1)(c) of this section,
7 when a vacancy occurs in the office of a state Senator before the 61st day before the first general
8 election to be held during that term of office, the remaining two years of the term of office shall
9 be filled by the electors of the affected legislative district at the first general election.

10 (5) Candidates for the remaining two years of the term of office of a state Senator under sub-
11 section (4) of this section shall be nominated as provided in ORS chapter 249, with major political
12 parties following the procedure set forth in ORS 249.200, except as follows:

13 (a) A minor political party, assembly of electors or individual electors may select a nominee for
14 any vacancy occurring before the 61st day before the first general election; and

15 (b) The Secretary of State shall accept certificates of nomination and notifications of nominees
16 selected at a primary election or by party rule and filed with the secretary pursuant to a schedule
17 for filing set by the Secretary of State but in any case not later than the 62nd day before the first
18 general election.

19 (6) The remaining two years of the term of office of a state Senator under subsection (4) of this
20 section will commence on the second Monday in January following the general election. Any ap-
21 pointment under the provisions of subsection (1)(c) of this section shall expire when a successor to
22 the office is elected and qualified.

23 **SECTION 2. This 2021 Act being necessary for the immediate preservation of the public**
24 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
25 **on its passage.**