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Elections Director

LEGISLATIVE VACANCIES

When a vacancy occurs in the office of State Senator or State Representative, the vacancy in office will be filled according to the provisions of ORS 171.051 - ORS 171.064. When an office holder resigns, the process does not start until their written resignation is received by the Secretary of State. This document is intended to be a high-level overview of the process; it does not represent the full legal and procedural requirements of the process to fill a legislative vacancy.

Roles

- **Secretary of State/Elections Division:** filing officer ensuring procedural requirements are met, nominees are qualified, setting meeting of the appointing authority, naming a chair of the appointing authority meeting, issuing Oath of Office and Certificate of Appointment.
- **Political Party:** selects three to five qualified nominees for consideration by the Boards of County Commissioners/appointing authority.
- **County Commissioners/Appointing Authority:** selects an appointee from the list of party nominees.
- **Senate Secretary or Chief Clerk of the House:** coordinates logistics for administration of the oath of office.

Procedural Requirements:

Secretary of State, Elections Division

- The Elections Division notifies the state party that a vacancy has occurred. A copy of the letter is sent to the county clerk and the appointing authority.
- Elections Division ensures party nominees are qualified for the office.
- Elections Division will forward names of the party nominees to the appointing authority.
- Because the district is made up of more than one county, the Secretary must determine the county where the meeting will take place and designate a chairperson for the meeting. The meeting usually takes place in the county having the highest number of registered electors within the district. Once a county is selected, the Elections Division will coordinate the logistics.
- When a district encompasses two or more counties, each county commissioner is entitled to one vote for each 1,000 electors (or major fraction thereof) residing within the legislative district in the county and subject to a minimum of one vote for every county with electors in the district. Each commissioner will be allocated the number of votes

allocated to the whole county commission divided by the number of county commissioners of the county. If a commissioner is absent, that commissioner's votes will not be cast.

- Once County Commissioners select an appointee, the Secretary will issue a Certificate of Appointment. The Elections Division will prepare this for the Secretary's signature.
- The Elections Division coordinates with Senate Secretary or the Chief Clerk of the House to issue an oath of office.

Political Party

The party must meet within 20 days to select by party rule not fewer than three nor more than five qualified persons to fill the vacancy.¹ The individuals selected are selected according to party bylaws, but nominees must meet the following criteria:

- A citizen qualified to hold the office;
- An elector of the legislative district;
- An inhabitant of the district for at least one year prior to the date of the appointment;
- A member of the same political party for 180 days prior to the vacancy occurring;
- Signs a written statement (form SEL 145 provided by Elections Division) indicating that they are willing to serve in office.

If fewer than three names of nominees are furnished to the Secretary of State, a list shall not be considered to have been submitted, and the county courts or boards of county commissioners will fill the vacancy.

County Commissioners/Appointing Authority

The appointing authority must meet and select an appointee within 30 days of the vacancy occurring and send the Secretary of State a written statement signed by a majority of the commissioners.²

Secretary of the Senate or Chief Clerk of the House

The Elections Division will work with the Secretary of the Senate and Chief Clerk of the House to coordinate the logistics of issuing the Certificate of Appointment and preparing the oath of office.

¹ If the party doesn't nominate individuals, the appointing authority fills the vacancy.

² If the County Commissioners don't fill the vacancy, the Governor fills the vacancy by appointment.