

# CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

## Policy Session Worksheet

**Presentation Date:** 10/9 **Approximate Start Time:** 3:00p **Approximate Length:** 30 minutes

**Presentation Title:** Recommendation for Amendments

**Department:** County Clerk's Office

**Presenters:** Sherry Hall, William Cloran

**Other Invitees:**

### **WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?**

To discuss the recommendation, endorsement, and submittal of legislation to the Oregon State Legislature to revise/clean up state statutes regarding the structure of the County Commission pertaining to nonpartisan county offices.

### **EXECUTIVE SUMMARY:**

A policy session with the BCC took place regarding this topic in March, and more research was explored into which statutes should be revised or cleaned up for confusion. The statutes and their recommended changes are included in the Recommendation for Amendments document attached to this worksheet. Adopting these recommended changes will revise confusing language regarding county offices and the commission structure that has arisen in recent years. The time table for submitting these recommendations to the state legislature is at the end of October.

**FINANCIAL IMPLICATIONS (current year and ongoing):** Not Applicable

Is this item in your current budget?  YES  NO

What is the cost? \$ N/A What is the funding source? N/A

### **STRATEGIC PLAN ALIGNMENT:**

- How does this item align with your Department's Strategic Business Plan goals?  
Clears up confusion regarding County structure and election of offices.
- How does this item align with the County's Performance Clackamas goals?  
It serves good government by cleaning up and revising statutes for clarity.

### **LEGAL/POLICY REQUIREMENTS:**

N/A

### **PUBLIC/GOVERNMENTAL PARTICIPATION:**

N/A

### **OPTIONS:**

Recommendations for the statute clean up legislation are included in an attached document called "Digest of the law pertaining to nonpartisan County Offices and Recommendation for Amendments." There is no financial impact to the County.

### **RECOMMENDATION:**

Endorse the legislative recommendations presented to clean up/revise state statutes regarding the structure of the County Commission pertaining to nonpartisan offices.

**ATTACHMENTS:**

Digest of the law pertaining to nonpartisan County Offices and Recommendation for Amendments

**SUBMITTED BY:**

Division Director/Head Approval \_\_\_\_\_

Department Director/Head Approval \_\_\_\_\_

County Administrator Approval \_\_\_\_\_

For information on this issue or copies of attachments, please contact Michael Newgard @ 503-655-8662
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**DIGEST OF THE LAW PERTAINING TO  
NONPARTISAN COUNTY OFFICES**

**AND**

**RECOMMENDATION FOR AMENDMENTS**

**August 23, 2018**

**William F. Cloran**

**203.010 General powers of county as body politic and corporate.** Each county is a body politic and corporate for the following purposes:

- (1) To sue and be sued;
- (2) To purchase and hold for the use of the county lands lying within its own limits and any personal estate;
- (3) To make all necessary contracts; and
- (4) **To do all other necessary acts in relation to the property and concerns of the county.**

Comment: It is my view that this section grants plenary power to create, classify and define County Offices except in the case where a State Statute creates the County Office. In those cases the County may apportion to an existing office powers and duties not prescribed by statute as long as those powers and duties do not interfere with statutory duties or burden the office.

**203.035 Power of county governing body or electors over matters of county concern.**  
(1) **Subject to subsection (3) of this section, the governing body or the electors of a county may by ordinance exercise authority within the county over matters of county concern, to the fullest extent allowed by Constitutions and laws of the United States and of this state, as fully as if each particular power comprised in that general authority were specifically listed in ORS 203.030 to 203.075.**

(2) The power granted by this section is in addition to other grants of power to counties, shall not be construed to limit or qualify any such grant and shall be liberally construed, to the end that counties have all powers over matters of county concern that it is possible for them to have under the Constitutions and laws of the United States and of this state.

(3) **An ordinance adopted by a county governing body that changes the number or mode of selection of elective county officers shall not take effect unless the ordinance is submitted to and approved by the electors of the county at a primary election, general election or election held on the first Tuesday after the first Monday in November of an odd-numbered year. However, an ordinance adopted under this section may not change the mode of selection of a county assessor.**

(4) Nothing in this section shall be construed to limit the rights of the electors of a county to propose county ordinances through exercise of the initiative power. [1973 c.282 §2; 1981 c.140 §1; 1985 c.756 §1; 1995 c.712 § 87; 2007 c.155 §12]

Comment: This law in section (1) confirms the intent to confer plenary power over matters of local concern to the County. This includes the power to expand the governing body and to change the “mode of selection for all officers but the County Assessor (Why? Appears to be an attempt to prevent the Assessor from being appointed or from having that officer combined with another). No single complete description of the powers and duties of the Assessor appears in the Constitution or in the statutes pertaining to County Officers. What does exist is in Chapter 308 which pertains generally to State revenue and taxation. See ORS 308.055. ORS 308.062 and ORS 308.330 for example.

The mention of “ordinance” in section (3) and the absence of any mention of a “charter” seems to imply that the power confirmed in section (3) applies to statutory “general law” counties. There is no need for this provision for home rule counties as the home rule provisions would allow all of this in the charter.

**203.085 County election dates; emergency elections.** (1) Except as provided in subsection (3) of this section, no election on a county measure referred by the county governing body or for a county office shall be held on any date other than:

- (a) The second Tuesday in March;
- (b) ***The third Tuesday in May;***
- (c) The third Tuesday in September; or
- (d) ***The first Tuesday after the first Monday in November.***

(2) Except as provided in subsection (3) of this section, no election on a county measure other than a county measure referred by the county governing body shall be held on any date other than:

- (a) The third Tuesday in May; or
- (b) The first Tuesday after the first Monday in November.

(3) An emergency election may be held on a date other than those provided in subsection (1) or (2) of this section if the county governing body by resolution finds that an emergency exists that will require an election sooner than the next available election date to avoid extraordinary hardship to the community. A determination under this subsection as to whether an emergency exists is within the sole discretion of the county governing body.

(4) A county governing body, with adequate notice, shall hold a public hearing, on a date other than a regularly scheduled meeting, for the purpose of making findings substantiating the fact that an emergency exists before scheduling an election on a date other than those specified in subsection (1) or (2) of this section.

(5) Notice of a county’s intent to hold an emergency election shall be filed with the county elections authority no later than 47 days preceding the desired election date. At the time the notice of election is given to the county elections authority, the county shall also file with the elections authority a certified copy of the ballot title and a copy of the resolution and findings adopted by the county governing body to authorize the emergency election as required under subsection (4) of this section. [1979 c.316 §3; 1981 c.639 §4;

1985 c.808 §69; 1987 c.267 §64; 1989 c.923 §6; 1991 c.71 §2; 1993 c.713 §51; 1995 c.607 §63; 1995 c.712 §113; 2015 c.44 §1]

Comment: Limits dates for election to County Offices.

**203.111 County governing body; legislative authority; quorum. Unless otherwise provided by county charter, a county court shall be the governing body and shall exercise general legislative authority over all matters of county concern and shall consist of the county judge and two county commissioners and a majority of those persons shall constitute a quorum.** [1981 c.140 §3 (enacted in lieu of 203.110)]

Comment: Additional authority for County control over matters of County concern.

**203.230 Abolishing office of county judge and establishing board of county commissioners in noncharter county; referral of order; operative date. (1) The county court of any county which has not adopted a county charter pursuant to ORS 203.710 to 203.770, and in which the county judge has no judicial function, may order the office of county judge abolished and create in lieu thereof a third county commissioner.** The order shall transfer all powers and duties of the county court and county judge to the board of county commissioners and, unless referred to the people, shall be effective on the date specified therein. The order made under this subsection may be referred to the people of the county for their approval or rejection and, if approved, shall become operative on the date specified in the order referred. The people of the county shall vote on such order at a primary election or general election.

(2) If, in a year in which a county judge is to be elected in the county, the order made under subsection (1) of this section is to become operative:

(a) **On or subsequent to the date of the primary election but prior to the general election, then those persons nominated at the primary election for the office of county judge shall be candidates for the office of county commissioner created in the order.**

(b) On or subsequent to the date of the regular general election, then the person elected to the office of county judge shall, upon the expiration of the term of office of the county judge holding office at the time the order was approved, take office as the county commissioner created in the order if the order has become operative.

(3) When the order issued under subsection (1) of this section becomes operative, the county judge shall, until the expiration of the term of office of the county judge, serve as the third county commissioner. **At the general election next preceding the expiration of the term of office of the county judge there shall be elected, in addition to the two county commissioners provided by law for each county, one county commissioner who shall possess the same qualifications and be subject to the same provisions of law as the other county commissioners.**

(4) The order issued under subsection (1) of this section may specify any or all of the following relating to the third commissioner:

- (a) Compensation that is different from the other commissioners;
- (b) Powers and duties that are different from the other commissioners; and
- (c) Service as chairperson of the board of commissioners.

(5) The person serving as county judge on the date the office is abolished shall serve as chairperson of the board of county commissioners until the expiration of the term of office of that person and shall be subject to the same provisions of law as the other county commissioners. [1961 c.571 §1; 1987 c.267 §65; 1995 c.712 §88; 1997 c.277 §1]

Comment: This provision seems to assume partisan commissioners.

**203.240 Organization, powers and duties of board.** (1) A board of county commissioners shall:

(a) Have the powers and duties and be otherwise subject to the laws applicable to county courts sitting for the transaction of county business.

(b) **Unless provided otherwise by county charter or ordinance, consist of three county commissioners. A majority of the board is required to transact county business.**

(c) Except as otherwise provided in ORS 203.230 (5) or an order issued under ORS 203.230 (1), appoint a chairperson from among their number who shall serve until the first Monday in January next following appointment. If two members of the board cannot agree on the appointment of a chairperson, the member of the board who is longest in length of service shall act as chairperson.

(2) When a county has established a board of county commissioners any reference in the statutes to the county court of that county shall be considered a reference to the board of county commissioners of the county. [1961 c.571 §2; 1971 c.88 §7; 1981 c.140 §4; 1985 c.756 §2; 1997 c.277 §2]

Comment: Section 1(b) implies that a general law county may have an expanded board.

**249.002 Definitions.** As used in this chapter:

(1) "Candidate" means an individual whose name is or is expected to be printed on the official ballot or a write-in candidate.

(2) "County clerk" means the county clerk or the county official in charge of elections.

(3) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Constitution.

(4) "***Judge***" means ***judge of the Supreme Court, Court of Appeals, circuit court or the Oregon Tax Court, or any county judge who exercises judicial functions.***

(5) "Member" means an individual who is registered as being affiliated with the political party.

(6) "Minor political party" means a political party that has qualified as a minor political party under ORS 248.008.

(7) "***Nonpartisan office***" means ***the office of judge, Commissioner of the Bureau of Labor and Industries, any elected office of a metropolitan service district under ORS chapter 268, justice of the peace, county clerk, county assessor, county surveyor, county treasurer, sheriff, district attorney or any office designated nonpartisan by a home rule charter.***

(8) "Prospective petition" means the information, except signatures and other identification of petition signers, required to be contained in a completed petition.

(9) “Public office” means any national, state, county, city or district office or position, except a political party office, filled by the electors.

(10) “State office” means Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, judge, state Senator, state Representative or district attorney. [1979 c.190 §94; 1983 c.350 §64; 1985 c.324 §1; 1987 c.707 §6; 1993 c.493 §5; 1995 c.92 §1; 1995 c.107 §1; 1995 c.607 §76; 2001 c.430 §1; 2009 c.491 §6; 2010 c.18 §2; 2011 c.731 §10; 2017 c.749 §51]

Comment: Note the omission of commissioner from the list of offices in section (7) and the inclusion of the county judge with the judicial officers in section (4). This section should be revised.

**249.088 Nomination or election of candidate at nominating election.** (1) Except as provided in ORS 249.091, at the nominating election held on the date of the primary election:

(a) Unless a candidate for nonpartisan office receives a majority of the votes cast for the office, the two candidates who receive the highest number of votes are nominated.

(b) **If a candidate for nonpartisan office receives a majority of votes cast for the office, that candidate is elected.**

(2) The application of this section is subject to the provisions of a home rule charter. [1979 c.190 §118; 1979 c.451 §5; 1979 c.587 §3; 1983 c.350 §66; 1989 c.218 §1; 1991 c.719 §7; 1993 c.493 §12; 1995 c.92 §2; 1995 c.607 §77; 1995 c.712 §27; 2011 c.607 §2]

Comment: This may need revision.

**249.091 Nomination of certain nonpartisan candidates or candidates to fill a vacancy in nonpartisan office.** (1) **If a nominating petition or declaration of candidacy is filed by no more than two candidates for the office of sheriff, county treasurer or county clerk or by no more than two candidates to fill a vacancy in a nonpartisan office:**

(a) The candidate or candidates are nominated; and

(b) The name or names of the candidate or candidates may not be printed on the ballot at the nominating election.

(2) **If a nominating petition or declaration of candidacy is filed by more than two candidates for the office of sheriff, county treasurer or county clerk or by more than two candidates to fill a vacancy in a nonpartisan office:**

(a) Unless a candidate receives a majority of the votes cast for the office, the two candidates who receive the highest number of votes are nominated.

(b) **If a candidate receives a majority of the votes cast for the office, that candidate alone is nominated.**

(3) The application of this section is subject to the provisions of a home rule charter. [1995 c.92 §4; 1995 c.607 §77a; 2007 c.154 §9; 2011 c.607 §3]

Comment: This statute needs revision.

**254.005 Definitions.** As used in this chapter:

(1) “Ballot” means any material on which votes may be cast for candidates or measures. In the case of a recall election, “ballot” includes material posted in a voting compartment or delivered to an elector by mail.

(2) “Chief elections officer” means the:

(a) Secretary of State, regarding a candidate for a state office or an office to be voted on in the state at large or in a congressional district, or a measure to be voted on in the state at large.

(b) County clerk, regarding a candidate for a county office, or a measure to be voted on in a county only.

(c) City clerk, auditor or recorder, regarding a candidate for a city office, or a measure to be voted on in a city only.

(3) “County clerk” means the county clerk or the county official in charge of elections.

(4) “Elector” means an individual qualified to vote under section 2, Article II, Oregon Constitution.

(5) “Major political party” means a political party that has qualified as a major political party under ORS 248.006.

(6) “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.

(7) “Minor political party” means a political party that has qualified as a minor political party under ORS 248.008.

(8) **“Nonpartisan office” means the office of judge of the Supreme Court, Court of Appeals, circuit court or the Oregon Tax Court, Commissioner of the Bureau of Labor and Industries, any elected office of a metropolitan service district under ORS chapter 268, justice of the peace, county clerk, county assessor, county surveyor, county treasurer, county judge who exercises judicial functions, sheriff, district attorney or any office designated nonpartisan by a home rule charter.**

(9) “Prospective petition” means the information, except signatures and other identification of petition signers, required to be contained in a completed petition.

(10) “Regular district election” means the election held each year for the purpose of electing members of a district board as defined in ORS 255.005 (2).

(11) “Vote tally system” means one or more pieces of equipment necessary to examine and tally automatically the marked ballots.

(12) “Voting machine” means any device that will record every vote cast on candidates and measures and that will either internally or externally total all votes cast on that device. [1979 c.190 §224; 1983 c.392 §5; 1983 c.567 §15; 1985 c.324 §2; 1987 c.707 §16; 1993 c.493 §95; 1995 c.92 §5; 1995 c.107 §2; 1995 c.607 §79; 1999 c.410 §43; 2001 c.430 §2; 2005 c.731 §4; 2005 c.797 §67; 2007 c.154 §19; 2009 c.491 §7; 2010 c.18 §3; 2011 c.731 §13]

Comment: This needs revision.

**254.016 Elections conducted under this chapter.** Any primary election, general election or special election held in this state shall be conducted under the provisions of this chapter, unless specifically provided otherwise in the statute laws of this state. [1979 c.190 §225; 1983 c.350 §69a; 1995 c.712 §51; 1999 c.999 §45]

**254.020** [Repealed by 1957 c.608 §231]

**254.025 Construction of statutes applicable to primary elections.** (1) Statutes applicable to primary elections shall be construed as though the primary elections are separate elections for each major political party nominating candidates.

(2) The primary elections shall be conducted as nearly as possible according to the theory expressed in the preamble to chapter 1, Oregon Laws 1905. [1979 c.190 §226; 1987 c.267 §37; 1995 c.712 §53; 1999 c.999 §46]

**254.056 Date and purpose of general election and primary election.** (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 committee persons shall be elected and major political party candidates shall be nominated for offices to be filled at the general election held in that year. [1979 c.190 §229; 1979 c.316 §20a; 1987 c.267 §1; 1995 c.712 §1; 1999 c.59 §64; 1999 c.999 §28; 2001 c.965 §12; 2003 c.542 §7]

**254.065 Person receiving most votes nominated or elected; measure adopted by majority of votes; when measure conflicts.** (1) When one person is to be nominated for or elected to an office, the person receiving the highest number of votes shall be nominated or elected. When more than one person is to be nominated for or elected to a single office, the persons receiving the higher number of votes shall be nominated or elected. This subsection does not apply to a candidate for election to an office at a general election if the election for the office must be held at a special election as described in ORS 254.650.

(2) No measure shall be adopted unless it receives an affirmative majority of the total votes cast on the measure. If two or more conflicting laws, or amendments to the Constitution or charter, are approved at the same election, the law, or amendment, receiving the greatest number of affirmative votes shall be paramount regarding each conflict, even though the law, or amendment, may not have received the greatest majority of affirmative votes. [1979 c.190 §230; 2003 c.542 §8]

**254.125 Nominating ballot for candidates to nonpartisan office; listing of candidates for judge at primary and general elections; use of term "incumbent."** (1) The names of candidates for a nonpartisan office at a nominating election held on the date of the primary election shall be listed without political party designation on a nominating ballot under the title, and department or position number if any, of the office.

(2) At the primary election or general election:

(a) The names of candidates who are opposed for nomination or election to the Supreme Court, Court of Appeals, Oregon Tax Court and circuit court shall be printed on the ballot before the names of candidates for those offices who are unopposed; and

(b) The word “incumbent” shall follow the name of each candidate for the Supreme Court, Court of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the Secretary of State under ORS 254.085. [1979 c.190 §236; 1979 c.451 §6; 1979 c.587 §4; 1983 c.7 §4; 1985 c.742 §2; 1993 c.493 §§35,36; 1995 c.658 §99; 1995 c.712 §59; 1999 c.410 §45; 2007 c.154 §24]

**308.005 “Assessor” includes deputy.** As used in the revenue and tax laws of this state, “assessor” includes the deputy of the assessor. [Amended by 1979 c.689 §25; 1981 c.804 §28; 1995 c.79 §123]

Art VI

**Section 8. County officers' qualifications; location of offices of county and city officers; duties of such officers.** Every county officer shall be an elector of the county, and the county assessor, county sheriff, county coroner and county surveyor shall possess such other qualifications as may be prescribed by law. All county and city officers shall keep their respective offices at such places therein, and perform such duties, as may be prescribed by law. [Constitution of 1859; Amendment proposed by H.J.R. 7, 1955, and adopted by the people Nov. 6, 1956; Amendment proposed by H.J.R. 42, 1971, and adopted by the people Nov. 7, 1972; Amendment proposed by H.J.R. 22, 1973, and adopted by the people Nov. 5, 1974]

#### RECOMMENDED AMENDMENTS

The statutes proposed for amendment are shown as amended in red. It is my understanding that ORS 249.002 and ORS 254.005 can be included in a series of technical amendments in a bill sponsored by the Secretary of State. The amendment ought to be retroactive. Proposed amendments to ORS 249.088 and ORS 249.091 are more substantive and should be in a separate piece of legislation. They do not need to be retroactive. The proposed amendments to ORS 249.088 and ORS 249.091 are an easier and more elegant “fix” than I first believed possible. They should accomplish the purpose of having all County officers elected at the same election and put an end to May vs November questions. I believe that these should be considered by the Commissioners before going forward.

**249.002 Definitions.** As used in this chapter:

(1) “Candidate” means an individual whose name is or is expected to be printed on the official ballot or a write-in candidate.

(2) “County clerk” means the county clerk or the county official in charge of elections.

(3) “Elector” means an individual qualified to vote under section 2, Article II, Oregon Constitution.

(4) “**Judge**” means **judge of the Supreme Court, Court of Appeals, circuit court or the Oregon Tax Court, or any county judge who exercises judicial functions.**

(5) “Member” means an individual who is registered as being affiliated with the political party.

(6) “Minor political party” means a political party that has qualified as a minor political party under ORS 248.008.

(7) **“Nonpartisan office” means the office of judge, Commissioner of the Bureau of Labor and Industries, any elected office of a metropolitan service district under ORS chapter 268, justice of the peace, county clerk, county assessor, county surveyor, county treasurer, sheriff, district attorney or any office designated *nonpartisan by a county ordinance or a home rule charter.***

(8) “Prospective petition” means the information, except signatures and other identification of petition signers, required to be contained in a completed petition.

(9) “Public office” means any national, state, county, city or district office or position, except a political party office, filled by the electors.

(10) “State office” means Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, judge, state Senator, state Representative or district attorney. [1979 c.190 §94; 1983 c.350 §64; 1985 c.324 §1; 1987 c.707 §6; 1993 c.493 §5; 1995 c.92 §1; 1995 c.107 §1; 1995 c.607 §76; 2001 c.430 §1; 2009 c.491 §6; 2010 c.18 §2; 2011 c.731 §10; 2017 c.749 §51]

**249.088 Nomination or election of candidate at nominating election.** (1) Except as provided in ORS 249.091, at the nominating election held on the date of the primary election:

(a) Unless a candidate for nonpartisan office receives a majority of the votes cast for the office, the two candidates who receive the highest number of votes are nominated.

(b) ***Except as provided in ORS 249.091, [I] if a candidate for nonpartisan office receives a majority of votes cast for the office, that candidate is elected.***

(2) The application of this section is subject to the provisions of a home rule charter. [1979 c.190 §118; 1979 c.451 §5; 1979 c.587 §3; 1983 c.350 §66; 1989 c.218 §1; 1991 c.719 §7; 1993 c.493 §12; 1995 c.92 §2; 1995 c.607 §77; 1995 c.712 §27; 2011 c.607 §2]

**249.091 Nomination of certain nonpartisan candidates or candidates to fill a vacancy in nonpartisan office.** (1) ***If a nominating petition or declaration of candidacy is filed by no more than two candidates for the office of sheriff, county treasurer, county clerk, or an office designated nonpartisan by a county ordinance or a county charter or by no more than two candidates to fill a vacancy in a nonpartisan office:***

(a) The candidate or candidates are nominated; and

(b) The name or names of the candidate or candidates may not be printed on the ballot at the nominating election.

(2) ***If a nominating petition or declaration of candidacy is filed by more than two candidates for the office of sheriff, county treasurer, county clerk, or an office designated nonpartisan by a county ordinance or a county charter or by more than two candidates to fill a vacancy in a nonpartisan office:***

(a) Unless a candidate receives a majority of the votes cast for the office, the two candidates who receive the highest number of votes are nominated.

(b) ***If a candidate receives a majority of the votes cast for the office, that candidate alone is nominated.***

(3) The application of this section is subject to the provisions of a home rule charter. [1995 c.92 §4; 1995 c.607 §77a; 2007 c.154 §9; 2011 c.607 §3]

**254.005 Definitions.** As used in this chapter:

(1) "Ballot" means any material on which votes may be cast for candidates or measures. In the case of a recall election, "ballot" includes material posted in a voting compartment or delivered to an elector by mail.

(2) "Chief elections officer" means the:

(a) Secretary of State, regarding a candidate for a state office or an office to be voted on in the state at large or in a congressional district, or a measure to be voted on in the state at large.

(b) County clerk, regarding a candidate for a county office, or a measure to be voted on in a county only.

(c) City clerk, auditor or recorder, regarding a candidate for a city office, or a measure to be voted on in a city only.

(3) "County clerk" means the county clerk or the county official in charge of elections.

(4) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Constitution.

(5) "Major political party" means a political party that has qualified as a major political party under ORS 248.006.

(6) "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.

(7) "Minor political party" means a political party that has qualified as a minor political party under ORS 248.008.

(8) **"Nonpartisan office" means the office of judge of the Supreme Court, Court of Appeals, circuit court or the Oregon Tax Court, Commissioner of the Bureau of Labor and Industries, any elected office of a metropolitan service district under ORS chapter 268, justice of the peace, county clerk, county assessor, county surveyor, county treasurer, county judge who exercises judicial functions, sheriff, district attorney or any office designated nonpartisan a county ordinance or a by a home rule charter.**

(9) "Prospective petition" means the information, except signatures and other identification of petition signers, required to be contained in a completed petition.

(10) "Regular district election" means the election held each year for the purpose of electing members of a district board as defined in ORS 255.005 (2).

(11) "Vote tally system" means one or more pieces of equipment necessary to examine and tally automatically the marked ballots.

(12) "Voting machine" means any device that will record every vote cast on candidates and measures and that will either internally or externally total all votes cast on that device. [1979 c.190 §224; 1983 c.392 §5; 1983 c.567 §15; 1985 c.324 §2; 1987 c.707 §16; 1993 c.493 §95; 1995 c.92 §5; 1995 c.107 §2; 1995 c.607 §79; 1999 c.410 §43; 2001 c.430 §2;

2005 c.731 §4; 2005 c.797 §67; 2007 c.154 §19; 2009 c.491 §7; 2010 c.18 §3; 2011 c.731 §13]

Sincerely,

William F. Cloran  
Attorney at Law