

(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 indorsement 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.

(i) A statement of the candidate's occupation, educational and occupational background and prior governmental experience.

(2) A declaration of candidacy shall include a statement that the required fee is included with the declaration.

(3) 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." [1957 c.608 §68; 1961 c.336 §1; 1961 c.667 §5; 1969 c.245 §1; 1975 c.779 §18; 1979 c.190 §104; 1981 c.173 §20; 1983 c.7 §1; 1983 c.567 §5; 1989 c.1054 §14]

**249.035 Filing officer.** A nominating petition or declaration of candidacy relating to a candidate for:

(1) State office, United States Senator or Representative in Congress shall be filed with the 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) Executive officer or councilor 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. [1979 c.190 §105; 1981 c.173 §21; 1981 c.485 §3; 1983 c.350 §65; 1985 c.808 §12]

**249.037 Time for filing petition or declaration.** 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. [Formerly 249.060]

Note: The amendments to 249.037 by section 16, chapter 267, Oregon Laws 1987, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

**249.037.** (1) 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 biennial primary election.

(2) The filing deadline in subsection (1) of this section does not apply to a nominating petition for President of the United States.

249.040 [Repealed by 1957 c.608 §231]

249.041 [1957 c.608 §69; 1975 c.779 §19; 1979 c.190 §113; renumbered 249.068]

**249.042 Declaration or petition as evidence of candidacy.** When an elector files with the appropriate filing officer a signed copy of the elector's prospective petition for nomination under ORS 249.061, or a declaration of candidacy, it shall be conclusive evidence that the elector is a candidate for nomination or election by the elector's political party or to the nonpartisan office stated in the petition or declaration. [1979 c.190 §107]

**249.046 Party membership required for nomination of party.** If a candidate has not been a member of the major political party for at least 180 days before the date the nominating petition or declaration of candidacy is filed, the candidate shall not be entitled to receive the nomination of that major political party. A temporary lapse of registration because of change of residence, or a change in the candidate's name through marriage, shall not constitute a lapse of membership in the party if, immediately before this temporary lapse of registration, the candidate was a member of the party and was not a member of any other political party within the 180 days preceding the date on which the candidate filed the nominating petition or declaration of candidacy. The requirement that the candidate be qualified by length of membership does not apply to any candidate whose 18th birthday falls within the period of 180 days or to a write-in candidate. [1979 c.190 §108]

**249.048 Unsuccessful candidate not eligible as candidate.** No candidate for nomination of a major political party to a public office who fails to receive the nomination shall be entitled to be the candidate of any other political party or to become an independent candidate for the same office at the succeeding general election. The filing officer shall not certify the name of such a candidate. [Formerly 249.420]

249.050 [Repealed by 1957 c.608 §231]

249.051 [1957 c.608 §70; 1979 c.190 §115; renumbered 249.076]

249.055 [1957 c.608 §71; 1959 c.177 §1; 1977 c.508 §4; 1979 c.190 §97; renumbered 249.008]

#### (Declarations of Candidacy)

✓ **249.056 Filing fees.** (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, Su-

perintendent of Public Instruction, Representative in Congress, judge of the Supreme Court, Court of Appeals or Oregon Tax Court, or executive officer of a metropolitan service district under ORS chapter 268, \$100.

(c) County office, district attorney, circuit court judge or district court judge, \$50.

(d) State Senator or Representative or councilor of a metropolitan service district under ORS chapter 268, \$25.

(2) No filing fee shall be required of persons filing a declaration of candidacy for precinct committeeperson or justice of the peace. [Formerly 249.271; 1981 c.173 §22; 1983 c.567 §6]

249.060 [Amended by 1957 c.608 §72; 1971 c.749 §77; 1973 c.827 §24c; 1979 c.190 §106; renumbered 249.037]

### (Nominating Petitions)

**249.061 One candidate per petition; prospective petition; statement regarding payment of petition circulators.** (1) No petition for nomination shall contain the name of more than one candidate.

(2) Before circulating a nominating petition, the candidate shall deliver to the officer with whom the petition will be filed, a copy of the prospective petition signed by the candidate.

(3) The candidate shall include with the nominating petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the nominating petition. After the nominating petition is filed, the candidate shall notify the filing officer not later than the 10th day after the candidate first has knowledge or should have had knowledge that:

(a) Any person is being paid for obtaining signatures, when the statement included with the nominating petition declared that no such person would be paid.

(b) No person is being paid for obtaining signatures, when the statement included with the nominating petition declared that one or more such persons would be paid. [1979 c.190 §111; 1983 c.756 §3]

**249.064 Information required on petition; certification of petition.** (1) A nominating petition of a candidate seeking the nomination of a major political party shall contain a statement that each elector whose signature appears on the petition is a member of the same major political party as is the candidate.

(2) A nominating petition of any candidate shall contain the number of signatures of electors required by ORS 249.068 or 249.072 and the residence address and name or number of the precinct, if known, of each elector whose signature appears.

(3) The signatures contained in the nominating petition shall be certified for genuineness by the county clerks under ORS 249.008. [1979 c.190 §112]

**249.068 Requirements regarding number and distribution of persons signing partisan petitions.** (1) Except as otherwise provided for a candidate for nonpartisan office in ORS 249.072, a nominating petition for an office to be voted for in the state at large or for a candidate for Representative in Congress shall contain signatures of members of the same major political party as the candidate. There shall be at least 1,000 signatures or the number of signatures at least equal to two percent of the vote cast in the state or congressional district, as the case may be, for the candidates of that major political party for presidential electors at the last presidential election, whichever is less. If the office is one to be voted for in the state at large the signatures shall include those of electors registered in at least one-tenth of the precincts in each of at least seven counties. If the office is one to be voted for in a congressional district the signatures shall include those of electors registered in at least one-tenth of the precincts in each of at least one-fourth of the counties in the congressional district.

(2) Except as otherwise provided for a candidate for nonpartisan office in ORS 249.072, a nominating petition for an office not provided for in subsection (1) of this section shall contain the signatures of electors who are members of the same major political party as the candidate. There shall be at least 500 signatures or the number of signatures at least equal to two percent of the vote in the electoral district for the candidates of that major political party for presidential electors at the last presidential election, whichever is less. In addition:

(a) If the office under this subsection is to be voted for in more than one county, the signatures shall include those of electors registered in at least one-eighth of the precincts in the electoral district that are located in each of two or more of the counties, or portions of the counties, within which the electoral district is located. If one-eighth of the precincts of the electoral district in one of the counties or portion thereof does not constitute a whole precinct, the nominating petition shall contain signatures from at least one precinct in that county.

(b) If the office is to be voted for in only one county or in a city, the signatures shall include those of electors registered in at least one-fifth of the precincts in the electoral district. [Formerly 249.041; 1983 c.567 §7; 1985 c.808 §13]