

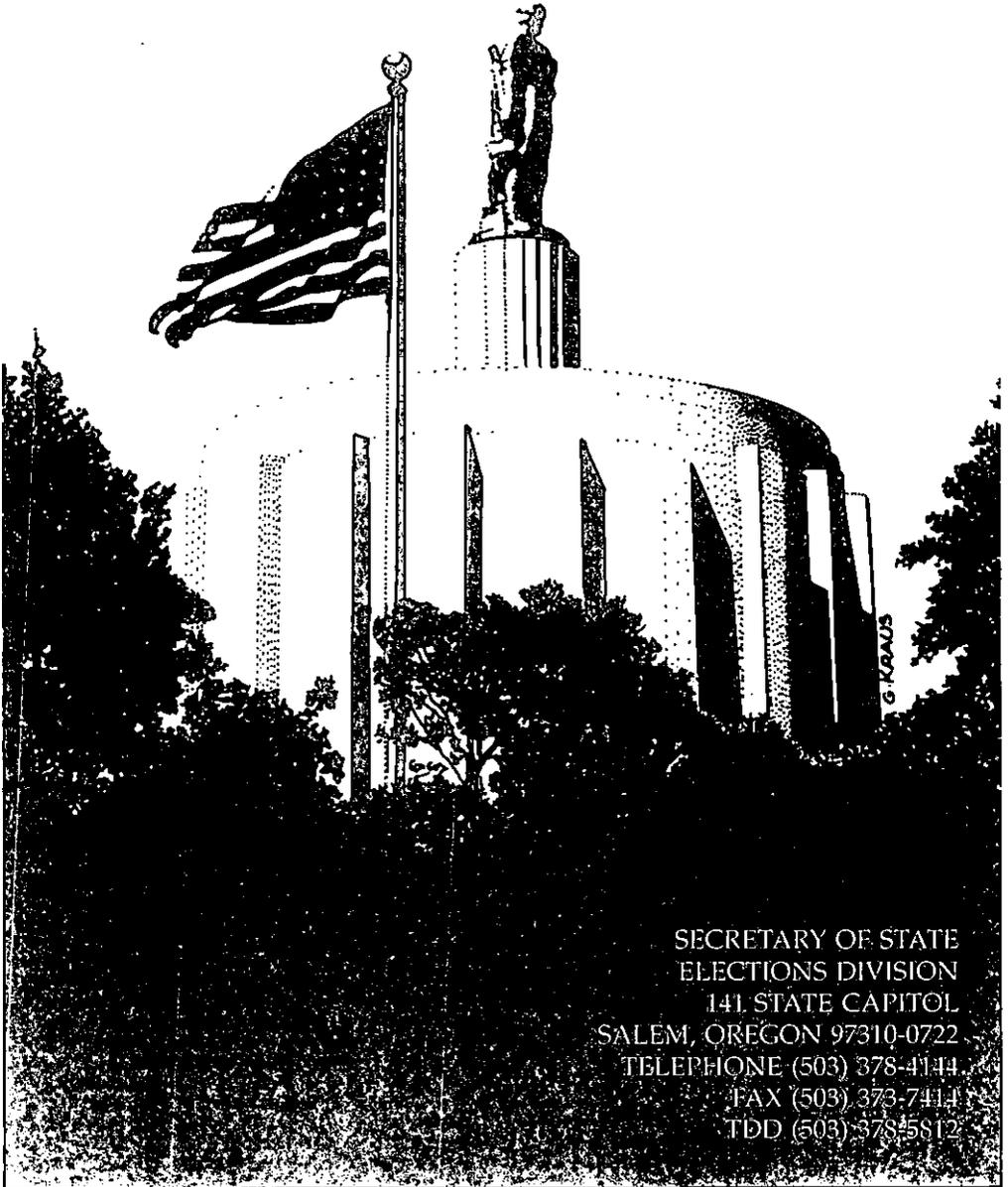
Date Printed: 02/05/2009

JTS Box Number: IFES_51
Tab Number: 3
Document Title: 1991-1992 OREGON ELECTION LAWS
Document Date: 1991
Document Country: USA
Document Language: ENG
IFES ID: EL00640



* F 4 C 5 B 9 2 9 - 1 9 4 1 - 4 0 3 4 - A 3 3 8 - 7 8 D 9 F 6 4 5 C 8 9 B *

1991 - 1992
OREGON
ELECTION
LAWS



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STATE OF OREGON

ELECTION LAWS

1991 - 1992

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CONSTITUTIONAL AND STATUTORY
PROVISIONS



Chapters 246 through 260

Reprinted From The

OREGON REVISED STATUTES

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1991 EDITION

Administration of Election Laws; Vote Recording Systems

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GENERAL PROVISIONS

246.010 [Repealed by 1957 c.608 §231]

246.011 [1957 c.608 §1; 1975 c.675 §1; repealed by 1979 c.190 §431]

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

(1) "Ballot" means any material on which votes may be cast for candidates or measures.

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

(3) "County governing body" means the county court sitting for the transaction of county business or the board of county commissioners.

(4) "Election" means any election held within this state.

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

(6) "Governing body" means the governing body of any subdivision of the state.

(7) "Local election official" means any person who is:

(a) An official of any election precinct or special district or public corporation organized for public purposes; and

(b) Authorized or required by law to perform functions in connection with elections held in the election precinct or special district or public corporation organized for public purposes.

(8) "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.

(9) "Precinct" means any election precinct.

(10) "Voting machine" means:

(a) Any device which will record every vote cast on candidates and measures and which will either internally or externally total all votes cast on that device.

(b) Any device into which a ballot may be inserted and which is so designed and constructed that the vote for any candidate or measure may be indicated by punching or marking the ballot.

(11) "Vote tally system" means one or more pieces of equipment necessary to ex-

amine and tally automatically the marked or punched ballots. [1979 c.190 §1; 1983 c.392 §2]

246.020 [Repealed by 1957 c.608 §231]

246.021 **Time within which election documents must be received by election officer; electronic facsimile transmissions.** (1) An election document and an accompanying payment of fees required to be filed with the Secretary of State, county clerk or other filing officer must be delivered to and actually received at the office of the designated officer not later than 5 p.m. of the day the document or fee is due or, if the day due is a Saturday, Sunday or holiday, on the next business day.

(2) The exception to subsection (1) of this section is, when at 5 p.m. an individual is physically present in the office of the designated officer and in line waiting to deliver a document, the individual shall be considered as having begun the act of delivering the document and shall be permitted to file it.

(3) As used in this section, "election document" includes, but is not limited to, a declaration of candidacy for nomination for public or political party office, completed nominating petitions, statements and portraits for voters' pamphlets, reports of election campaign contributions and expenditures, and initiative, referendum or recall petitions.

(4) Any election document required to be filed with the filing officer other than ballots, voter registration cards or petitions requiring signatures of electors may also be filed by means of an electronic facsimile transmission machine. If an election document is required to be filed by a specified time, the entire document must be received in the office of the filing officer not later than 5 p.m. of the day the document is due or, if the day due is a Saturday, Sunday or holiday, on the next business day. [Formerly 246.510; 1967 c.228 §1; 1979 c.190 §2; 1991 c.719 §4]

246.030 [Repealed by 1957 c.608 §231]

246.035 [1965 c.527 §4; repealed by 1971 c.267 §16]

246.040 [Repealed by 1957 c.608 §231]

246.045 [1967 c.338 §§2, 3; 1975 c.675 §2; 1979 c.190 §301; renumbered 260.705]

246.046 **Secretary of State and county clerks to seek out evidence of violations.** The Secretary of State and each county clerk shall diligently seek out any evidence of violation of any election law. [Formerly 260.325]

246.050 [Repealed by 1957 c.608 §231]

246.055 [1973 c.154 §1; repealed by 1979 c.190 §431]

246.060 [Repealed by 1957 c.608 §231]

246.070 [Repealed by 1957 c.608 §231]

246.080 [Repealed by 1957 c.608 §231]

246.090 [Repealed by 1957 c.608 §231]

246.100 [Repealed by 1957 c.608 §231]

SECRETARY OF STATE

246.110 Secretary of State as chief election officer. The Secretary of State is the chief election officer of this state, and it is the secretary's responsibility to obtain and maintain uniformity in the application, operation and interpretation of the election laws. [1957 c.608 §2; 1979 c.190 §5]

246.120 Directives, instructions and assistance to county clerks. In carrying out the responsibility under ORS 246.110, the Secretary of State shall prepare and distribute to each county clerk detailed and comprehensive written directives, and shall assist, advise and instruct each county clerk, on registration of electors and election procedures which are under the direction and control of the county clerk. The directives and instructions shall include relevant sample forms of ballots, documents, records and other materials and supplies required by the election laws. A county clerk affected thereby shall comply with the directives or instructions. [1957 c.608 §3; 1965 c.464 §1; 1979 c.190 §6]

246.130 [1957 c.608 §4; repealed by 1979 c.190 §31]

246.140 Conferences for county clerks; compliance with instructions. (1) In carrying out the responsibility under ORS 246.110, the Secretary of State, not later than the 90th day after the date of adjournment of the regular session of the Legislative Assembly, shall organize and conduct at convenient places and times in this state at least three conferences on the administration of the election laws.

(2) The Secretary of State shall give written notice of the place and time of each conference to each county clerk.

(3) Each county clerk or designated deputy shall attend at least one of the conferences and shall comply with the instructions given under the authority of the Secretary of State at each conference the county clerk or deputy attends. [1957 c.608 §5; 1959 c.263 §1; 1979 c.190 §7; 1983 c.567 §3; 1991 c.719 §19]

246.150 Rules. The Secretary of State may adopt rules the secretary considers necessary to facilitate and assist in achieving and maintaining a maximum degree of correctness, impartiality and efficiency in administration of the election laws. [1957 c.608 §8; 1979 c.190 §8; 1985 c.448 §1]

246.160 Compilations and digests of election laws; distribution of supplies and materials to county clerks and others. The Secretary of State shall:

(1) Prepare and print, in appropriate and convenient form, periodic compilations and digests of the state election statutes.

(2) Distribute in appropriate quantities to the county clerks for use by the county clerks and by election boards, copies of such compilations and digests and such supplies and materials necessary to the conduct of elections as the Secretary of State considers appropriate.

(3) Make the compilations and digests available for distribution, free or at cost, to interested persons. [1957 c.608 §125; 1963 c.435 §1; part renumbered 246.170; 1979 c.190 §9; 1991 c.719 §46]

246.170 Election Supply Service Revolving Account. (1) There is established in the General Fund of the State Treasury an account to be known as the Election Supply Service Revolving Account. All moneys received by the Secretary of State under ORS 246.160 shall be deposited therein; and all moneys in the account are appropriated continuously to the Secretary of State for the payment of expenses incurred in performing the functions described in ORS 246.160.

(2) To facilitate financing the costs incurred under ORS 246.160, the Secretary of State may at any time during the biennium transfer to the Election Supply Service Revolving Account any amounts considered necessary, not to exceed \$25,000, from biennial appropriations to the Secretary of State. Funds so transferred shall be retransferred from the Election Supply Service Revolving Account by the Secretary of State to the appropriation from which the original transfer was made. The retransfers shall be accomplished before the last day of each biennial period. [Formerly part of 246.160; 1973 c.162 §3; 1979 c.190 §10]

246.179 Reimbursement of county clerk for special election for Representative in Congress. Notwithstanding ORS 246.250, if a special primary election or a special election to fill a vacancy in the election or office of Representative in Congress is held on a date other than the date of the primary or general election, the Secretary of State shall reimburse each county clerk for necessary expenses of the election based on a claim filed by the county clerk and approved by the Secretary of State. The claim shall be made on a form designed by the Secretary of State. The Secretary of State shall make the reimbursement from funds made available to the Secretary of State by the Emergency Board. [1983 c.567 §2]

Note: The amendments to 246.179 by section 2, 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.

246.179. Notwithstanding ORS 246.250, if a special primary election or a special election to fill a vacancy in the election or office of Representative in Congress is held on a date other than the date of the biennial or presidential primary election or the general election, the Secretary of State shall reimburse each county clerk for

necessary expenses of the election based on a claim filed by the county clerk and approved by the Secretary of State. The claim shall be made on a form designed by the Secretary of State. The Secretary of State shall make the reimbursement from funds made available to the Secretary of State by the Emergency Board.

246.180 [1973 c.283 §9; 1979 c.190 §98; renumbered 249.009]

COUNTY CLERK

246.200 County clerk to conduct elections. (1) Except as specifically provided otherwise in the statute laws of this state, the county clerk shall be the only election officer to conduct any election in this state. For the purpose of this section, the conduct of an election includes, but is not limited to, establishing precincts and polling places, preparing ballots and sample ballots, and receiving and processing votes.

(2) Notwithstanding subsection (1) of this section, the county clerk is not the only election officer who may accept and verify a filing for nomination or filing of a petition, prepare a voters' pamphlet or ballot title, or prepare or publish an election notice. [1979 c.317 §1; 1983 c.350 §63a; 1987 c.535 §11]

246.210 County clerk to supervise local election officials. (1) Subject to the directives and instructions prepared and distributed or given by the Secretary of State under ORS 246.120 or 246.140, a county clerk may exercise general supervision of administration of election laws by each local election official in the county for the purpose of achieving and maintaining a maximum degree of correctness, impartiality, efficiency and uniformity in the administration by local election officials. In this regard the county clerk may assist local election officials in answering questions concerning the proper administration of election laws.

(2) If under this section two or more county clerks exercise general supervision of the same local election official, the county clerks shall cooperate and coordinate to insure uniformity of general supervision. [1957 c.608 §9; 1979 c.190 §11; 1985 c.448 §21]

246.220 [1957 c.608 §10; 1979 c.190 §12; repealed by 1985 c.448 §5]

246.230 [1957 c.608 §11; 1965 c.527 §1; 1971 c.660 §1; 1975 c.675 §3; 1979 c.190 §13; repealed by 1985 c.448 §5]

246.235 [1965 c.527 §3; repealed by 1979 c.190 §431]

246.240 [1957 c.608 §12; repealed by 1965 c.527 §5]

246.245 Notification to county clerk when city boundary changed. If the boundary of a city is changed, the city governing body immediately shall send a certified copy of the order, resolution or other action changing the boundary to the county clerk of each county in which the city is located. [1979 c.190 §14]

246.250 Personnel; equipment, materials and facilities; payment of expenses; administering oaths. (1) The county clerk may employ personnel and procure equipment, supplies, materials, books, papers, records and facilities of every kind as the clerk considers necessary to facilitate and assist in administering the election laws.

(2) The necessary expenses incurred by the county clerk in administering the election laws, including reasonable rental for polling places, shall be allowed by the county governing body and paid out of the county treasury.

(3) The county clerk and deputies may administer oaths and affirmations in connection with the performance of their functions in administering the election laws. [1957 c.608 §14; 1979 c.190 §15]

246.260 [1957 c.608 §15; repealed by 1979 c.190 §431]

246.265 [1977 c.829 §12; repealed by 1979 c.190 §431]

246.270 Office hours of county clerk on election days. On the day of any general, special or primary election held throughout the county, the county clerk's office shall remain open for business pertaining to the election while the polls are open. [1957 c.608 §18; 1979 c.190 §16]

Note: The amendments to 246.270 by section 3, chapter 267, Oregon Laws 1987, are repealed January 1, 1994. See section 32, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

246.270. On the day of any general election, special election or presidential or biennial primary election held throughout the county, the county clerk's office shall remain open for business pertaining to the election while the polls are open.

246.300 [1957 c.608 §17; repealed by 1975 c.675 §36]

PRECINCT ELECTION BOARDS

246.310 Precinct election boards. (1) Not later than the 30th day before the primary election:

(a) The county clerk shall appoint persons to serve on election boards. There shall be at least one election board for each polling place. If the poll book of a precinct is divided into two or more separate parts as provided in ORS 254.226, the county clerk may appoint an election board for each separate part.

(b) The county clerk may appoint more than one election board for any precinct in which 100 or more ballots were cast at the last general election or in which there are more than 200 electors.

(2) The election board shall consist of a day board to issue ballots and may include a counting board to count ballots. A day board shall consist of three or more clerks. A counting board shall consist of four or more clerks. No election board clerk shall serve on the day board and the counting board at

the same time. The county clerk shall designate one clerk of each day board and one clerk of each counting board as chairman.

(3) The county clerk shall appoint the election board clerks for a term of two years. The county clerk may withdraw the appointment of a clerk at any time. Clerks may be reappointed for more than one term.

(4) Except as provided in this subsection, an election board clerk shall be an elector of the county, shall be able to read, write and speak English and shall not serve at a polling place in an electoral district in which the election board clerk is a candidate for any office, except precinct committeeperson, to be voted on in that election. The clerks of a day board or a counting board shall not all be members of the same political party. The Secretary of State shall adopt by rule standards under which county clerks may employ persons to serve as election board clerks who are not electors of the county but who are residents of the county and who are at least 16 years of age. A person who is the spouse, child, son or daughter-in-law, parent, mother or father-in-law, sibling, brother or sister-in-law, aunt, uncle, niece, nephew, stepparent or stepchild of a candidate on the ballot at an election shall not serve as election board clerk at a polling place where the candidate may be voted on, unless the candidate is a candidate for precinct committeeperson and is the only such relative who is a candidate on the ballot in the same election. The county clerk shall appoint board clerks who have the necessary capacity and ability to carry out their functions with sufficient skill and dispatch.

(5) In the event of a vacancy in the office of board clerk, the county clerk shall appoint a qualified person to fill the vacancy. [1957 c.608 §22; 1959 c.317 §1; 1963 c.37 §1; 1963 c.159 §1; 1975 c.675 §4a; 1979 c.190 §17; 1983 c.514 §2; 1985 c.471 §1; 1991 c.69 §1]

Note: Sections 2 and 3, chapter 69, Oregon Laws 1991, provide:

Sec. 2. As used in ORS 246.310, "primary election" refers to the biennial primary election. [1991 c.69 §2]

Sec. 3. Section 2 of this Act is added to and made a part of chapter 267, Oregon Laws 1997. [1991 c.69 §3]

246.320 Notifying appointees and posting their names; considering objections; filling vacancies. (1) Immediately after the appointment of election board clerks as provided in ORS 246.310 (1), the county clerk shall:

(a) Make and certify a list of the persons appointed for each precinct, make the list available for public inspection in the office for five days and provide a copy of the list to the chairman of the county central committee of each major political party as qualified under ORS 248.006.

(b) Notify by mail each person appointed of the appointment, and keep a record of all notifications.

(2) Not later than the fifth day after the list of appointees is available to the public, any elector may file with the county clerk, without charge, any objection or suggestion respecting the appointments. The county clerk shall consider all objections and suggestions so filed.

(3) If the county clerk revises the list because of objections or suggestions filed under subsection (2) of this section, notification of these additions or deletions shall be delivered to the county central committee chairman of each major political party. [1957 c.608 §23; 1979 c.190 §18]

246.330 Compensation of election board clerks. Each election board clerk shall be compensated at a rate not less than the federal or state minimum wage whichever is higher. The specific compensation shall be fixed and allowed by the county governing body and paid out of the county treasury. [1957 c.608 §24; 1973 c.588 §1; 1975 c.675 §5; 1975 c.678 §3; 1979 c.190 §19; 1979 c.519 §1a]

246.335 Meetings with county clerk. (1) Each county clerk shall meet at a convenient place at least once each biennium with the election board clerks. At the meeting, the county clerk shall advise and instruct the board clerks concerning the proper election and voting procedures to be followed by them. The county clerk's advice and instruction shall conform to applicable rules, directives and instructions of the Secretary of State.

(2) The Secretary of State may require a county clerk to conduct a meeting in addition to the meeting required by subsection (1) of this section. [1979 c.749 §2 (enacted in lieu of 246.340); 1991 c.719 §20]

246.340 [1957 c.608 §25; 1959 c.89 §1; 1979 c.190 §20; repealed by 1979 c.749 §1 (246.335 enacted in lieu of 246.340)]

246.350 [1975 c.678 §1; repealed by 1979 c.190 §431]

PRECINCTS; POLLING PLACES

246.410 Establishment and division of precincts. (1) Not later than January 31 before the primary election the county clerk shall divide all precincts having more than 750 electors. A precinct located in a single multiple dwelling may have more than 750 electors. The county clerk shall fix the boundaries of the precincts and designate the precincts by numbers or names.

(2) The county clerk, not later than the 30th day before an election, may create, combine or divide one or more precincts in which voting machines or vote tally systems

are used. The number of electors to be included in a precinct shall not exceed 1,500.

(3) At any election other than a primary or general election the county clerk, not later than the 30th day before the election, may combine two or more precincts for the election. In combining precincts, the county clerk shall consider the convenience of the elector. No combination of precincts shall number more than 2,000 electors.

(4) Subject to the limitations of subsection (1) of this section, at any time after the primary election and before the next general election:

(a) The county clerk shall make such changes in the boundaries of precincts as are necessary to reflect changes occurring during such period in the corporate limits of any city with a population of 2,000 or more.

(b) The county clerk shall make such other changes in the boundaries of precincts as are necessary or convenient for voting purposes. [1957 c.608 §20; 1959 c.317 §2; 1963 c.109 §1; 1973 c.662 §1; 1977 c.301 §5; 1979 c.190 §21; 1979 c.427 §2; 1985 c.528 §1]

Note: The amendments to 246.410 by section 5, chapter 267, Oregon Laws 1987, are repeated January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

246.410. (1) Not later than January 31 of each even-numbered year, the county clerk shall divide all precincts having more than 750 electors. A precinct located in a single multiple dwelling may have more than 750 electors. The county clerk shall fix the boundaries of the precincts and designate the precincts by numbers or names.

(2) The county clerk, not later than the 30th day before an election, may create, combine or divide one or more precincts in which voting machines or vote tally systems are used. The number of electors to be included in a precinct shall not exceed 1,500.

(3) At any election other than a presidential or biennial primary or general election the county clerk, not later than the 30th day before the election, may combine two or more precincts for the election. In combining precincts, the county clerk shall consider the convenience of the elector. No combination of precincts shall number more than 2,000 electors.

(4) Subject to the limitations of subsection (1) of this section, at any time after the biennial primary election and before the next general election:

(a) The county clerk shall make such changes in the boundaries of precincts as are necessary to reflect changes occurring during such period in the corporate limits of any city with a population of 2,000 or more.

(b) The county clerk shall make such other changes in the boundaries of precincts as are necessary or convenient for voting purposes.

246.420 Designation of polling places; preferred use of public buildings; symbol designating access to disabled. (1) Not later than the 10th day before any election the county clerk shall designate one polling place for each precinct. The county clerk shall take into account the desirability that a polling place have adequate parking and lighting facilities and be accessible to indi-

viduals with physical disabilities in accordance with state policy as stated in ORS 447.220. The county clerk may designate as a polling place any public building, including any schoolhouse, owned or leased by the state or any political subdivision thereof, and the public building may be used as a polling place without expense to the county. No official in charge of the public building may refuse its use as a polling place. If the public building has an entrance free of architectural barriers as defined by ORS 447.210, that entrance shall be kept unlocked during the hours the polls are open and its location clearly indicated at the main entrance of the building. More than one polling place may be designated in the same building.

(2) Any published list of polling places for use by electors shall indicate by a uniform, nationally recognized symbol those polling places which are accessible to electors with physical disabilities. [1957 c.608 §21; 1961 c.49 §1; 1961 c.174 §1; 1975 c.675 §6; 1977 c.179 §1; 1979 c.190 §22; 1989 c.224 §36]

246.510 [1955 c.246 §1; renumbered 246.021]

VOTE RECORDING SYSTEMS

246.520 Applicable laws; conflicting laws and ordinances inapplicable. All the provisions of the election laws and of any county or city charter or ordinance not inconsistent with ORS 246.520 to 246.610 apply to elections where voting machines or vote tally systems are used. Any provision of law or of any county or city charter or ordinance which conflicts with the use of voting machines or vote tally systems as provided in ORS 246.520 to 246.610 does not apply to elections in which voting machines or vote tally systems are used. [Formerly 258.025]

246.530 Adoption, purchase or procurement of equipment; use thereafter. A governing body may adopt, purchase or otherwise procure, and provide for the use of, any voting machine or vote tally system approved by the Secretary of State in all or a portion of the precincts. Thereafter the voting machine or vote tally system may be used for voting at all elections for public and party offices and on all measures, and for receiving, registering and counting the votes in the precincts as the governing body directs. [Formerly 258.045]

246.540 Joint purchase, maintenance and use. (1) In purchasing voting machines or vote tally systems, a governing body of any county and the governing bodies of any incorporated cities, districts or other municipalities in the county, may provide for the joint purchase and subsequent ownership of voting machines or vote tally systems and for the care, maintenance and use of the machines or systems.

(2) The governing body of two or more counties may provide for the joint use of voting machines or vote tally systems. [Formerly 258.105]

246.550 Examination and approval of equipment by Secretary of State. (1) The Secretary of State shall publicly examine all makes of voting machines or vote tally systems submitted to the secretary and determine whether the machines or systems comply with the requirements of ORS 246.560, and can safely be used by electors.

(2) Any person owning or interested in a voting machine or vote tally system may submit it to the Secretary of State for examination. For the purpose of assistance in examining the machine or system the Secretary of State may employ not more than three individuals who are expert in one or more of the fields of data processing, mechanical engineering and public administration. The compensation of these assistants shall be paid by the person submitting the machine or system.

(3) Not later than the 30th day after completing the examination and approval of any voting machine or vote tally system the Secretary of State shall make a report on the machine or system, together with a written or printed description, drawings and photographs clearly identifying the machine or system and its operation. The Secretary of State upon request shall send a copy of the report to any governing body within the state.

(4) Any voting machine or vote tally system that receives the approval of the Secretary of State may be used for conducting elections. Any machine or system that does not receive such approval shall not be used at any election. After a machine or system has been approved by the Secretary of State, any change in the machine or system that does not impair its accuracy, efficiency or capacity shall not render necessary a reexamination or reapproval of the machine or system. [Formerly 258.155]

246.560 Requirements for approval of equipment. (1) No voting machine shall be approved by the Secretary of State unless it is constructed so that it:

(a) Secures to the elector secrecy of voting.

(b) Provides facilities for voting for the candidates of as many political parties or organizations as may make nominations and for or against as many measures as may be submitted.

(c) Permits the elector to vote for any person and as many persons for an office and upon any measure for which the elector has the right to vote.

(d) Permits the elector, except at primary elections, to vote for all the candidates of one party or in part for the candidates of one party and in part for the candidates of one or more other parties.

(e) Correctly records on a separate ballot the votes cast by each elector for any person and for or against any measure.

(f) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting machine or vote tally system except for President and Vice President and electors for those offices.

(g) Provides that straight party pointers shall be disconnected from all candidate pointers.

(2) A vote tally system shall be:

(a) Capable of correctly counting votes on ballots on which the proper number of votes have been marked or punched for any office or measure that has been voted.

(b) Capable of ignoring the votes marked or punched for any office or measure where more than the allowable number of votes have been marked or punched, but shall correctly count the properly voted portions of the ballot.

(c) Capable of accumulating a count of the specific number of ballots tallied for a precinct, accumulating total votes by candidate for each office, and accumulating total votes for and against each measure of the ballots tallied for a precinct.

(d) Capable of tallying votes from ballots of different political parties, from the same precinct, in a primary election.

(e) Capable of accommodating rotation of candidates' names on the ballot, provided that all ballots from one precinct shall be of the same rotation sequence.

(f) Capable of automatically producing precinct totals in either printed, marked, or punched form, or combinations thereof. [Formerly 258.165]

Note: The amendments to 246.560 by section 6, 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.

246.560. (1) No voting machine shall be approved by the Secretary of State unless it is constructed so that it:

(a) Secures to the elector secrecy of voting.

(b) Provides facilities for voting for the candidates of as many political parties or organizations as may make nominations and for or against as many measures as may be submitted.

(c) Permits the elector to vote for any person and as many persons for an office and upon any measure for which the elector has the right to vote.

(d) Permits the elector, except at presidential and biennial primary elections, to vote for all the candidates of one party or in part for the candidates of one party

and in part for the candidates of one or more other parties.

(e) Correctly records on a separate ballot the votes cast by each elector for any person and for or against any measure.

(f) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting machine or vote tally system except for President and Vice President and electors for those offices.

(g) Provides that straight party pointers shall be disconnected from all candidate pointers.

(2) A vote tally system shall be:

(a) Capable of correctly counting votes on ballots on which the proper number of votes have been marked or punched for any office or measure that has been voted.

(b) Capable of ignoring the votes marked or punched for any office or measure where more than the allowable number of votes have been marked or punched, but shall correctly count the properly voted portions of the ballot.

(c) Capable of accumulating a count of the specific number of ballots tallied for a precinct, accumulating total votes by candidate for each office, and accumulating total votes for and against each measure of the ballots tallied for a precinct.

(d) Capable of tallying votes from ballots of different political parties, from the same precinct, in a primary election.

(e) Capable of accommodating rotation of candidates' names on the ballot, provided that all ballots from one precinct shall be of the same rotation sequence.

(f) Capable of automatically producing precinct totals in either printed, marked, or punched form, or combinations thereof.

246.565 Audit of computerized voting system by Secretary of State. (1) Any voting machine or vote tally system involving the use of computers, a computer network, computer program, computer software or computer system shall be subject to audit by the Secretary of State at any time for the purpose of checking the accuracy of the voting machine or vote tally system.

(2) As used in this section:

(a) "Computer" means, but is not limited to, an electronic device which performs logical, arithmetic or memory functions by the manipulations of electronic or magnetic impulses and includes all input, output, processing, storage, software or communication facilities which are connected or related to such a device in a system or network.

(b) "Computer network" means, but is not limited to, the interconnection of communication lines, including microwave or other means of electronic communication, with a computer through remote terminals or a complex consisting of two or more interconnected computers.

(c) "Computer program" means, but is not limited to, a series of instructions or statements, in a form acceptable to a computer, which permits the functioning of a computer system in a manner designed to

provide appropriate products from such computer system.

(d) "Computer software" means, but is not limited to, computer programs, procedures and associated documentation concerned with the operation of a computer system.

(e) "Computer system" means, but is not limited to, a set of related, connected or unconnected computer equipment, devices and software. [1989 c.959 §2]

246.570 Rental agreements authorized.

(1) The Secretary of State may enter into an agreement, for a term of not more than one year, with any county within the state for the rental of approved voting machines or vote tally systems to the county.

(2) The Secretary of State on having entered into an agreement with a county may purchase the necessary voting machines or vote tally systems using money made available under the provisions of ORS 246.590. [Formerly 258.405]

246.580 Content of rental agreement.

The rental agreement shall provide:

(1) Annual rental payments, not less than 20 percent of the cost of the voting machine or vote tally system, payable on or before December 15.

(2) That maintenance, storage and transportation costs of the machines or system are to be paid by the county.

(3) That, if the rental agreement is renewed by the county from year to year, after the completion of the fifth year of rental the title to the voting machines or vote tally system shall be transferred by the Secretary of State to the county. [Formerly 258.415; 1985 c.808 §1]

246.590 Voting Machine Acquisition Account; loans for purchase of equipment; repayment.

(1) The State Treasurer, in the capacity of investment officer for the Oregon Investment Council, may loan moneys in the investment funds as provided in ORS 293.701 to 293.776, 293.810 and 293.820 for the acquisition of the voting machines or vote tally systems which counties have contracted to rent. The money so loaned shall be deposited in the Voting Machine Acquisition Account in the General Fund, which account is created. Money in the account is appropriated for the purchase of voting machines or vote tally systems.

(2) Money so loaned shall be repaid within five years together with interest at a rate agreed upon by the State Treasurer and the Secretary of State. The payments shall be made in amounts that are at least sufficient to reduce the outstanding principal to an amount equal to one-fifth the amount ori-

ginally advanced multiplied by number of years remaining in the five-year repayment schedule. Separate repayment schedules shall be prepared for money advanced each year. [Formerly 258.425]

246.600 Voting Machine Sinking Fund Account; deposit of rentals. All rentals collected from the counties shall be deposited in the Voting Machine Sinking Fund Account, which account is established. All money on hand in the account at December 31 of each year shall be paid to the State Treasurer as the repayment of money advanced under ORS 246.590. [Formerly 258.435]

246.610 Appropriation from General Fund if sinking fund inadequate. In the event that there is not sufficient money in the Voting Machine Sinking Fund Account on December 31 of any year to meet the repayment schedule as provided in ORS 246.590, there is appropriated from the General Fund an amount sufficient which together with the money in the Voting Machine Sinking Fund Account will provide an amount sufficient to make the scheduled payment. [Formerly 258.445]

COMPELLING ELECTION OFFICERS TO PERFORM DUTIES

246.810 [1957 c.608 §6; 1979 c.190 §35; repealed by 1985 c.448 §5]

246.820 Order to compel county clerk or election official to comply with interpretation, rule, directive or instruction.

(1) Whenever it appears to the Secretary of State that a county clerk or a local election official has failed to comply with an interpretation of any election law made by the Secretary of State under ORS 246.110 or has failed to comply with a rule, directive or instruction made by the Secretary of State under ORS 246.120, 246.140 or 246.150, the Secretary of State may apply to the appropriate circuit court for an order to compel the county clerk or local election official to comply.

(2) The court shall dispose of the matter under subsection (1) of this section as soon

as possible, but in any case not later than the fifth day after the Secretary of State applies for an order.

(3) The remedy provided in this section is cumulative and does not exclude any other remedy against a county clerk or local election official who fails to comply with an interpretation of any election law or the rule, directive or instruction. [1957 c.608 §7; 1979 c.190 §36; 1985 c.448 §3]

246.830 [1957 c.608 §13; 1979 c.190 §37; repealed by 1985 c.448 §5]

APPEALS FROM ELECTION OFFICERS

246.910 Appeal from Secretary of State or county clerk to courts. (1) A person adversely affected by any act or failure to act by the Secretary of State or a county clerk under any election law, or by any order, rule, directive or instruction made by the Secretary of State or a county clerk under any election law, may appeal therefrom to the circuit court for the county in which the act or failure to act occurred or in which the order, rule, directive or instruction was made.

(2) Any party to the appeal proceedings in the circuit court under subsection (1) of this section may appeal from the decision of the circuit court to the Court of Appeals.

(3) The circuit courts and Court of Appeals, in their discretion, may give such precedence on their dockets to appeals under this section as the circumstances may require.

(4) The remedy provided in this section is cumulative and does not exclude any other remedy against any act or failure to act by the Secretary of State or a county clerk under any election law or against any order, rule, directive or instruction made by the Secretary of State or a county clerk under any election law. [1957 c.608 §19; 1975 c.227 §2; 1979 c.190 §38; 1983 c.514 §3]

246.990 [Repealed by 1957 c.608 §23]

246.991 [1967 c.338 §4; 1975 c.675 §7; repealed by 1979 c.190 §43]

Chapter 247

1991 EDITION

Qualification and Registration of Electors

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ELECTIONS

GENERAL PROVISIONS

247.002 Definitions. As used in this chapter:

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

(2) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Constitution. [1979 c.190 §39]

247.005 Policy. It is the policy of this state that all election laws and procedures shall be established and construed to assist the elector in the exercise of the right of franchise. [1969 c.337 §3; 1979 c.190 §40]

247.007 When ballot considered legally cast; prohibition on voting more than once in the same election. (1) A ballot shall be considered legally cast if the person casting the ballot is an elector at the time the ballot is cast.

(2) If an elector has voted in any election, the elector may not reregister and vote in any election held on the same date. [1989 c.175 §2]

247.008 [1979 c.559 §2; 1983 c.567 §4; repealed by 1987 c.719 §17 and 1987 c.733 §13]

REGISTRATION

247.009 Qualification to vote in political subdivision. Unless specifically provided otherwise, a person may vote in an election of a political subdivision of this state only if the person is an elector registered in the political subdivision. [1983 c.83 §2]

247.010 [Repealed by 1957 c.608 §231]

247.011 [1957 c.608 §28; 1959 c.277 §1; 1975 c.678 §4; repealed by 1977 c.168 §6]

247.012 Method of registration; when registration occurs; minimum registration information required; temporary registration; registration locations. (1) A qualified person may register to vote by:

(a) Delivering by mail or otherwise a completed registration card to any county clerk or the Secretary of State;

(b) Personally delivering the card to an official designated by a county clerk under subsection (7) of this section; or

(c) Completing the voter registration portion of the application for a license, renewal or state identification card under ORS 807.400 at an office of the Motor Vehicles Division of the Department of Transportation under ORS 802.090.

(2) Except as provided in ORS 802.090, if a person mails or delivers a registration card to an election officer or any other person other than the county clerk for the county in which the person resides, the election officer or other person shall forward the card

to the county clerk for the county in which the person resides not later than the fifth day after receiving the card.

(3) Registration of a qualified person occurs when a legible, accurate and complete registration card is received in the office of any county clerk, the Office of the Secretary of State or at a location designated by a county clerk under subsection (7) of this section.

(4) If a registration card is legible, accurate and contains, at a minimum, the registrant's name, residence address and signature, the county clerk shall register the person. If information required by ORS 247.121 (1)(e) or (h) is missing from the registration card, the county clerk shall contact the person to obtain the missing information.

(5) If a registration card is not complete as specified in ORS 247.121 (1) by 5 p.m. on the 21st day before any election in which the registrant is eligible to vote, but contains the information required by subsection (4) of this section, the registration shall be considered valid only for the immediately ensuing election. Immediately following the election the county clerk shall cancel the registration and notify the person of the cancellation.

(6) If a registration card meets the requirements of subsection (4) of this section but is missing the information required by ORS 247.121 (1)(h) at 5 p.m. on the 21st day before any election in which the registrant is eligible to vote, the voter shall be considered not affiliated with any political party for the immediately ensuing election.

(7) A county clerk may appoint officials to accept registration of, and issue certificates of registration to, persons at designated locations. The appointments and locations shall be in writing and filed in the office of the county clerk. The county clerk shall be responsible for the performance of duties by those appointed. [1979 c.190 §41; 1985 c.808 §1a; 1989 c.20 §1; 1989 c.173 §5; 1989 c.979 §2]

247.014 Transfer of voter registration information by Motor Vehicles Division. In implementing ORS 247.012, 247.171 and 802.090, the Motor Vehicles Division of the Department of Transportation shall take steps reasonably necessary to allow transfer of voter registration information by electronic or magnetic medium. [1991 c.940 §4]

Note: Section 5, chapter 940, Oregon Laws 1991, provides:

Sec. 5. The Motor Vehicles Division of the Department of Transportation shall report to the Sixty-seventh Legislative Assembly regarding the implementation of chapter 979, Oregon Laws 1989, and section 4 of this Act [247.014]. The report shall include the number of individuals registered, actual implementation costs, an explanation of the registration procedures and a description of steps taken to allow transfer of registration data. [1991 c.940 §5]

247.015 Other registration procedures.

(1) A qualified person absent from the state may register by mailing to the county clerk for the county in which the person resides a completed registration card or a signed statement containing the information required on a registration card.

(2) An otherwise qualified person who will complete the residence requirement or attain the age of 18 years before the election may register after the 60th day before the election.

(3) On written request from a qualified person who by physical incapacity cannot register in the office of the county clerk, the county clerk of the county in which the person resides shall send the person a registration card or register the person at the person's residence.

(4) An otherwise qualified person who will become a United States citizen after the 21st calendar day immediately preceding an election may register before the 20th day before the election. The person shall register using a special registration card designed by the Secretary of State under ORS 247.171. The county clerk of the county in which the person resides shall cancel the person's registration before the election unless the person appears before the county clerk and provides evidence of citizenship. [1979 c.190 §42; 1979 c.507 §1a; 1989 c.20 §2]

247.020 [Amended by 1955 c.695 §1; repealed by 1957 c.608 §231]

247.025 Registration deadline. (1) A person, to vote in an election, must be registered not later than 5 p.m. of the 21st calendar day immediately preceding the election.

(2) If a person registers before the 20th day before the election, the person's name shall be listed in the poll book of the person's precinct. [1979 c.190 §43; 1985 c.833 §1; 1987 c.719 §9; 1987 c.733 §1]

247.028 Use of certificate of registration. A person issued a certificate of registration who desires to vote must give the certificate to the election board of the precinct in which the elector is a resident before the elector is given a ballot. If the person desires to vote by absentee ballot, the person must give the certificate to the county clerk when the person returns the person's voted absentee ballot. [1979 c.190 §44; 1981 c.173 §11]

247.030 [Amended by 1955 c.695 §2; repealed by 1957 c.608 §231]

247.031 [1957 c.608 §29; 1975 c.678 §5; 1977 c.168 §2; repealed by 1979 c.190 §431]

247.035 Rules to consider in determining qualifications of a person to register or vote. An election official, in determining the residence and qualifications of a person

offering to register or vote, shall consider the following rules, so far as they may be applicable:

(1) The person's residence shall be the place in which habitation is fixed and to which, when the person is absent, the person has intention of returning.

(2) A person who has gone into another state or territory or county of this state for a temporary purpose only shall not be considered to have lost residence.

(3) A person shall not be considered to have gained a residence in any location in this state into which the person comes for temporary purposes only, without the intention of making it the person's home.

(4) If a person moves to another state with the intention of making a permanent home, the person shall be considered to have lost residence in this state.

(5) The place where a married person's family resides shall be considered the person's residence.

(6) The place where an unmarried person sleeps shall be considered the person's residence.

(7) If a person goes from this state into any other state or territory and votes there, the person shall be considered to have lost residence in this state. [Formerly 250.410]

247.040 [Repealed by 1957 c.608 §231]

247.045 [1975 c.678 §7; 1977 c.163 §4; 1979 c.507 §1b; 1979 c.519 §2; renumbered 247.178]

247.050 [Repealed by 1957 c.608 §231]

247.060 [Repealed by 1957 c.608 §231]

247.070 [1957 c.608 §30; 1973 c.827 §24; 1975 c.678 §8; 1977 c.829 §3; repealed by 1979 c.190 §431]

247.080 [Repealed by 1957 c.608 §231]

247.090 [Repealed by 1957 c.608 §231]

247.100 [Repealed by 1977 c.508 §15]

247.110 [Repealed by 1957 c.608 §231]

247.111 [1957 c.608 §33; 1959 c.274 §1; 1971 c.621 §30; 1975 c.678 §10; 1977 c.168 §3; repealed by 1979 c.190 §431]

247.120 [Amended by 1955 c.695 §3; repealed by 1957 c.608 §231]

247.121 Required registration information; retention of registration cards. (1) Each person who requests registration shall supply the following information:

(a) Full name and signature.

(b) Mailing address, residence address or any other necessary information definitely locating the residence of the person.

(c) If the person desires, a telephone number where the person may be contacted.

(d) If previously registered in this state, the name then supplied by the person and the county and, if known, the address of previous registration.

(e) Date and place of birth.

(f) The name of the father and maiden name of the mother of the person, if known, and the full name of the person's spouse.

(g) A statement that the person is a citizen of the United States and a resident of this state for 20 days before the election at which the person will vote.

(h) The name of the political party with which the person is affiliated, if any.

(2) No person shall supply any information under subsection (1) of this section knowing it to be false.

(3) No county clerk shall request any information unless it is required by subsection (1) of this section or by federal law.

(4) The person shall certify the information supplied by signing the completed registration card.

(5) The completed and signed registration card is the official registration card of the elector. The county clerk shall keep the cards in the clerk's office as the register of electors. [1957 c.608 §34; 1971 c.241 §1; 1973 c.841 §1; 1975 c.678 §11; 1977 c.352 §1; 1979 c.190 §46; 1979 c.519 §4a; 1985 c.833 §2; 1987 c.719 §10; 1987 c.733 §2]

247.125 Alteration of registration card prohibited; exceptions. No person shall alter any information supplied on a registration card except:

(1) An election officer in the performance of official duties.

(2) The person who fills out the registration card for the purpose of registering to vote. [1985 c.808 §6]

247.130 [Repealed by 1957 c.608 §231]

247.131 [1957 c.608 §35; repealed by 1971 c.241 §10]

247.140 [Repealed by 1957 c.608 §231]

247.141 [1957 c.608 §37; 1979 c.190 §48; renumbered 247.174]

247.145 [1965 c.174 §3; 1969 c.337 §1; 1975 c.678 §13; 1977 c.829 §4; repealed by 1979 c.190 §431]

247.150 [Repealed by 1957 c.608 §231]

247.151 [1957 c.608 §31; 1961 c.65 §1; repealed by 1965 c.174 §11]

247.155 [1965 c.174 §4; repealed by 1977 c.829 §23]

247.160 [Repealed by 1957 c.608 §231]

247.161 [1957 c.608 §32; repealed by 1965 c.174 §11]

247.165 [1965 c.174 §§5, 6, 7; 1975 c.678 §15; 1977 c.352 §2; repealed by 1979 c.190 §431]

247.170 [Repealed by 1957 c.608 §231]

247.171 Official registration card; preparation of registration card by person other than Secretary of State; special registration card. (1) Each registration card shall be designed to accommodate the information required by ORS 247.121 and shall contain the following:

WARNING: Any person who supplies any information knowing it to be false, is subject upon conviction to imprisonment for not more than five years or to a fine of not more than \$100,000, or both.

(2) Except as provided in this subsection, the Secretary of State shall design, prepare and distribute the registration cards. Any person may apply in writing to the Secretary of State for permission to print, copy or otherwise prepare and distribute the registration cards designed by the Secretary of State. The secretary may revoke any permission granted under this subsection at any time. All registration cards shall be distributed to the public without charge.

(3) The Secretary of State shall design, prepare and distribute a special registration card for otherwise qualified persons who will become United States citizens after the 21st calendar day immediately preceding an election and who may register before the 20th day before an election under ORS 247.015.

(4) The Secretary of State shall approve any voter registration application form developed for use by the Motor Vehicles Division of the Department of Transportation under ORS 802.090. [1957 c.608 §36; 1965 c.464 §2; 1971 c.241 §5; 1975 c.678 §16; 1977 c.168 §4; 1979 c.190 §47; 1985 c.808 §4; 1985 c.833 §3; 1987 c.320 §150; 1987 c.719 §11; 1987 c.733 §3; 1989 c.20 §3; 1989 c.173 §1; 1989 c.979 §5]

247.174 Determining if person qualified to be registered or reregistered; hearing by county clerk if registration or reregistration denied. (1) The qualifications of any person who requests to be registered or reregistered shall be determined in the first instance by the county clerk or registering official from the evidence presented.

(2) The county clerk or official designated by the county clerk to register persons as electors may reject any registration or reregistration if the clerk or official determines that the person is not qualified or that the registration card is illegible, inaccurate or incomplete. The clerk or official shall promptly notify the person of the rejection.

(3) A person whose registration or reregistration is rejected may apply to the county clerk, not later than the 10th day after the rejection, for a hearing on the person's qualifications to register or reregister. Not later than the 10th day after the date the county clerk receives the application, the clerk shall notify the applicant of the place and time of the hearing on the qualifications. The hearing shall be held not sooner than the second,

nor later than the 20th, day after notice is given. At the hearing the applicant may present evidence of qualification. If the county clerk, upon the conclusion of the hearing, determines that the applicant is qualified, the county clerk shall register the applicant. [Formerly 247.141; 1983 c.83 §28; 1985 c.471 §2; 1985 c.833 §4; 1987 c.719 §12; 1987 c.733 §4]

247.176 Request for delivery of registration card. (1) During the period extending from the 250th day before the primary election to the date of the primary election and the period extending from the day after the primary election to the 250th day before the next primary election:

(a) Any person may request delivery from the Secretary of State of not more than an aggregate total of 5,000 registration cards prepared under ORS 247.171; and

(b) Upon receiving a request under this subsection, the Secretary of State shall deliver to the person the number of registration cards requested that does not exceed an aggregate total of 5,000.

(2) The Secretary of State shall adopt rules describing when the Secretary of State will honor requests for delivery of more than 5,000 registration cards prepared under ORS 247.171. [1989 c.173 §7]

Note: Section 8, chapter 173, Oregon Laws 1989, provides:

Sec. 8. As used in section 7 of this 1989 Act [247.176], "primary election" means the biennial primary election. [1989 c.173 §8]

247.178 Distribution of registration card. Any person may distribute a registration card in any reasonable manner that facilitates elector registration, including but not limited to distribution of the card door to door. The card shall be available at any field office of the Motor Vehicles Division of the Department of Transportation. [Formerly 247.045]

247.180 [Repealed by 1957 c.608 §231]

247.181 Precinct memorandum card.

(1) The county clerk shall prepare and issue by first class nonforwardable mail to each elector a memorandum card of convenient size containing the name and residence address of the elector, the name or number of the precinct in which the elector resides and a brief statement of the circumstances under which the elector is required to reregister.

(2) When an elector reregisters, the county clerk shall issue the elector a new memorandum card by first class nonforwardable mail.

(3) If an elector loses a memorandum card the elector may apply to the county clerk for a new card, and the county clerk shall issue the elector a new card by first

class nonforwardable mail. [1957 c.608 §38; 1977 c.508 §1; 1979 c.190 §50; 1979 c.519 §6a; 1981 c.173 §12]

247.190 [Repealed by 1957 c.608 §231]

247.191 Correction of registration and precinct memorandum cards when precinct boundaries changed. When changes in the boundaries of a precinct are made, the county clerk may alter the registration card of an elector to conform with the change, and shall issue by first class nonforwardable mail a written notice of the change and a new memorandum card to the elector. This requirement does not apply to a change of precincts for special district or special elections. [1957 c.608 §39; 1975 c.675 §8; 1979 c.190 §51; 1979 c.519 §7a; 1985 c.808 §5]

247.195 Inquiry into validity of registration; hearing; cancellation. The county clerk, at any time, may make inquiry into the validity of the registration of any elector. The inquiry shall proceed as provided in ORS 247.560 or 247.565. If the county clerk has reason to suspect that a person is not qualified to register to vote or that the registration card is inaccurate, the county clerk shall schedule a hearing on the validity of the registration and shall notify the elector of the place and time of the hearing. The hearing shall be held not sooner than the second, nor later than the 20th, day after notice is given. At the hearing the elector may present evidence of qualification. If the county clerk, upon the conclusion of the hearing, determines that the elector's registration is not valid, the county clerk shall cancel the registration. [1981 c.173 §16; 1985 c.471 §3; 1989 c.503 §3]

247.200 [Repealed by 1957 c.608 §231]

247.201 [1957 c.608 §45; 1971 c.241 §6; 1975 c.678 §17; 1977 c.168 §5; 1979 c.190 §53; 1983 c.514 §4; 1985 c.808 §7; repealed by 1987 c.719 §17 and 1987 c.733 §13]

247.203 Party affiliation not to be changed or adopted during certain period. A person who reregisters under ORS 247.290 during the period extending from the 45th day before a primary election to the 21st day before a primary election may not, during that period:

(1) Change the person's political party affiliation under ORS 247.121 (1)(h) if the person's immediate past registration record shows the person was or is registered as affiliated with a political party.

(2) Reregister as not being affiliated with a political party if the person's immediate past registration record shows the person was or is registered as affiliated with a political party.

(3) Adopt a political party affiliation under ORS 247.121 (1)(h) if the person's immediate past registration shows that the person

was not or is not registered as affiliated with a political party. [1987 c.719 §5; 1989 c.965 §1]

Note: The amendments to 247.203 by section 22, chapter 719, Oregon Laws 1987, and section 2, chapter 965, Oregon Laws 1989, are repealed January 1, 1994. See section 19, chapter 719, Oregon Laws 1987, and section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

247.203. A person who reregisters under ORS 247.290 during the period extending from the 45th day before a presidential or biennial primary election to the 21st day before a presidential or biennial primary election may not, during that period:

(1) Change the person's political party affiliation under ORS 247.121 (1)(h) if the person's immediate past registration record shows the person was or is registered as affiliated with a political party.

(2) Reregister as not being affiliated with a political party if the person's immediate past registration record shows the person was or is registered as affiliated with a political party.

(3) Adopt a political party affiliation under ORS 247.121 (1)(h) if the person's immediate past registration shows that the person was not or is not registered as affiliated with a political party.

247.210 [Repealed by 1957 c.608 §231]

247.211 [1957 c.608 §27; repealed by 1971 c.241 §10]

247.220 [Repealed by 1961 c.412 §5]

247.230 [Repealed by 1961 c.412 §5]

247.240 [Repealed by 1961 c.412 §5]

247.250 [1955 c.552 §1; repealed by 1957 c.608 §231]

247.251 [1957 c.608 §40; repealed by 1963 c.595 §1 (247.610, 247.620, 247.630 to 247.650, 250.365 and 250.375 enacted in lieu of 247.251)]

247.260 [1955 c.552 §2; repealed by 1957 c.608 §231]

247.261 [1957 c.608 §41; repealed by 1979 c.190 §431]

247.270 [1955 c.552 §3; repealed by 1957 c.608 §231]

247.280 [1957 c.608 §42; 1979 c.190 §62; renumbered 247.590]

247.282 [1971 c.30 §2; repealed by 1973 c.125 §1 and by 1973 c.827 §83]

247.284 [1971 c.30 §4, 6; repealed by 1973 c.125 §1 and by 1973 c.827 §83]

247.286 [1971 c.30 §5, 7; repealed by 1973 c.125 §1 and by 1973 c.827 §83]

247.288 [1971 c.30 §3; repealed by 1973 c.125 §1 and by 1973 c.827 §83]

REREGISTRATION

247.290 **When reregistration required; procedure; exceptions.** (1) A person shall reregister if:

(a) The registration of the person is canceled.

(b) The residence or mailing address of the person is changed for any reason, except as provided in subsection (3) of this section.

(c) The person desires to change political party affiliation under ORS 247.121 (1)(h).

(d) The name of the person is changed by marriage or court order except as provided in ORS 254.411.

(2) The person shall reregister in the same manner as registration.

(3) Notwithstanding subsection (1) of this section:

(a) A person need not reregister if the United States Postal Service or a city or county changes the residence or mailing address of the person and the residence of the person has not been relocated.

(b) A person whose residence address is changed for any reason after the 40th day before an election may vote in that election without reregistering if the person obtains a certificate of registration as provided in ORS 247.340.

(c) A person whose mailing address has changed but whose residence address has not changed may vote once in the precinct in which the person is registered. The following apply:

(A) The election board clerk shall enter into the poll book the fact that the person's mailing address has changed. In noting such entry, the county clerk shall immediately cancel the person's current registration.

(B) The person whose mailing address has changed must reregister in order to vote in any subsequent election. [1957 c.608 §43; 1961 c.115 §1; 1965 c.583 §1; 1971 c.241 §2; 1975 c.678 §18; 1979 c.190 §52; 1981 c.173 §13; 1985 c.471 §4; 1987 c.733 §5; 1989 c.20 §4]

247.300 [1957 c.608 §44; 1961 c.115 §2; repealed by 1975 c.678 §25]

247.310 [1961 c.62 §2; 1967 c.25 §1; 1971 c.241 §3; repealed by 1979 c.190 §431 and 1979 c.519 §38]

CERTIFICATE OF REGISTRATION

247.320 **Certificate of registration; change of residence address within county.** (1) Any elector who changes residence within a precinct, or from one precinct to another precinct within the same county after the 40th day before any election, and who has not reregistered, shall be permitted to vote at the ensuing election if the elector obtains a certificate of registration from the county clerk. Upon delivery of the certificate to the election board in the precinct or the county clerk of the county where the elector is currently resident, the elector shall be permitted to vote the entire ballot or ballots issued to that precinct.

(2) Any elector referred to in subsection (1) of this section is permitted to obtain a separate certificate for each election held during the closed registration period. [1987 c.733 §9; 1989 c.20 §5]

247.330 **Certificate of registration; change of residence address between counties.** (1) Any elector who changes residence address from one county to another county within the state after the 40th day before any election, and who has not rereg-

istered, shall be permitted to vote in the ensuing election if:

(a) The elector obtains a certificate of registration from the county clerk of the county in which the elector was previously registered; or

(b) The elector obtains a certificate of registration from the county clerk of the county in which the elector is currently a resident. The county clerk of the county where the elector is currently a resident shall issue a certificate of registration only after verifying the elector's registration in the county in which the elector previously resided.

(2) An elector who obtains a certificate of registration under paragraph (b) of subsection (1) of this section shall supply proof of identity and proof that the elector resides at the address to which the certificate is issued. The Secretary of State shall designate kinds of proof of identity and residence that are acceptable for purposes of this subsection.

(3) Upon delivery of the certificate to the election board of the precinct or the county clerk of the county where the elector is currently resident, the elector shall be permitted to vote the entire ballot or ballots issued to that precinct. [1987 c.733 §10; 1989 c.20 §6]

247.340 Application for certificate of registration; contents. (1) An application for a certificate of registration may be made to the appropriate county clerk in person or in writing. The application shall contain the former and new residence address or mailing address of the elector and the date the elector changed residence or mailing address. The application shall be signed by the elector using the same name as appears on the elector's official registration card.

(2) Upon receipt of an application for a certificate of registration, the county clerk shall immediately cancel the applicant's current registration. In order to vote at any election subsequent to the election for which the certificate was issued, the elector must reregister as provided in ORS 247.290.

(3) Certificates of registration shall be issued only by the county clerk or an official appointed by the county clerk under ORS 247.012.

(4) No person shall certify the information required by this section or supply any proof of identity or residence under ORS 247.330 (2) knowing it to be false.

(5) The certificate of registration shall bear the following:

WARNING: Any person who supplies false information, knowing it to be false, to obtain a certificate of registration is subject to imprisonment for not more than five years or to a fine of not more than \$100,000, or both.

[1987 c.733 §11]

ELIGIBILITY IN PRESIDENTIAL ELECTIONS

247.410 Eligibility to vote for President or Vice President, or electors, only. A person who is qualified to register, except that the person will have resided in this state less than 20 days before the election, may vote in the election for candidates for nomination or election for President or Vice President of the United States or elector of President and Vice President of the United States if the person:

(1) Did not vote for the nomination of such candidates in another state during the six months immediately preceding the person's request for registration to vote for the nomination of such candidates in the primary election in this state; or

(2) Did not vote for the election of such candidates in another state during the six months immediately preceding the person's request for registration to vote for the election of such candidates in the general election in this state. [1961 c.114 §2; 1973 c.150 §1; 1979 c.190 §54; 1979 c.519 §9a]

Note: The amendments to 247.410 by section 7, 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.

247.410. A person who is qualified to register, except that the person will have resided in this state less than 20 days before the election, may vote in the election for candidates for nomination or election for President or Vice President of the United States or elector of President and Vice President of the United States if the person:

(1) Did not vote for the nomination of such candidates in another state during the six months immediately preceding the person's request for registration to vote for the nomination of such candidates in the presidential primary election in this state; or

(2) Did not vote for the election of such candidates in another state during the six months immediately preceding the person's request for registration to vote for the election of such candidates in the general election in this state.

247.420 Special registration certificate to vote for candidates specified in ORS 247.410. (1) A county clerk shall give a certificate of registration marked "Presidential only" to any person eligible under ORS 247.410 who personally appears in the office of the county clerk, completes a registration card and verifies eligibility to vote under ORS 247.410.

(2) No person shall supply any information under subsection (1) of this section, knowing it to be false. [1961 c.114 §3; 1969 c.153 §1; 1975 c.678 §19; 1979 c.190 §55]

247.430 [1961 c.114 §4; 1971 c.241 §7; repealed by 1979 c.190 §431]

247.435 Electors changing residence eligible to vote in presidential elections. An elector of this state who moves to another state after the 31st day before a primary or general election for President or for electors of President and Vice President, and who does not qualify to vote in the state of the elector's present residence, may vote for these offices in the primary or general election in this state. If voting in person, the elector must obtain a certificate of registration marked "Presidential only." If voting by absentee ballot, the elector must apply for an absentee ballot that will be marked "Presidential only." [Formerly 253.300]

Note: The amendments to 247.435 by section 8, 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.

247.435. An elector of this state who moves to another state after the 31st day before a presidential primary or general election for President or for electors of President and Vice President, and who does not qualify to vote in the state of the elector's present residence, may vote for these offices in the presidential primary or general election in this state. If voting in person, the elector must obtain a certificate of registration marked "Presidential only." If voting by absentee ballot, the elector must apply for an absentee ballot that will be marked "Presidential only."

247.440 [1961 c.114 §5; 1971 c.241 §8; 1975 c.678 §20; repealed by 1979 c.190 §431]

247.450 [1961 c.114 §6; repealed by 1979 c.190 §431]

247.460 [1961 c.114 §7; repealed by 1979 c.190 §431]

247.470 [1961 c.114 §8; 1975 c.678 §21; repealed by 1979 c.190 §431]

247.510 [1957 c.608 §46; renumbered 247.510]

247.520 [1957 c.608 §47; 1961 c.48 §1; renumbered 247.920]

REMOVAL OF NAMES FROM REGISTER OF ELECTORS

247.550 Challenge of elector's name in poll book. An elector or member of an election board may challenge the entry of a name in the poll book. The challenge will be noted in the remarks column following the name stating the reason, such as "died," "moved," or "incorrect address." [1963 c.346 §2; 1977 c.508 §2; 1979 c.190 §57; 1985 c.808 §8; 1991 c.107 §1]

247.560 Notice of challenge to elector; elector's reply; hearing; effect of failure to reply. (1) Not later than the 60th day after each election, the county clerk shall examine the poll books and note the challenges made under ORS 247.550. The county clerk shall mail a written inquiry to the challenged elector at the address indicated on the registration card. The inquiry shall state

the nature of the challenge and provide a suitable form for reply.

(2) Not later than the 20th day after the date of mailing of the inquiry the elector, in person or in writing, may state that the information on the registration card is correct or may request a change in the information on the card. Upon receipt of the statement or request the county clerk shall determine whether the information satisfies the challenge. If the county clerk determines that the challenge has not been satisfied, the county clerk shall schedule a hearing on the challenge and shall notify the elector of the place and time of the hearing. The hearing shall be held not sooner than the second, nor later than the 20th, day after notice is given. At the hearing, the challenged elector may present evidence of qualification. If the county clerk, upon the conclusion of the hearing, determines that the challenged elector's registration is not valid, the county clerk shall cancel the registration.

(3) If a challenged elector fails to make the statement or request in response to the inquiry, the county clerk shall cancel the registration of the challenged elector. [1963 c.346 §3; 1965 c.583 §2; 1971 c.241 §4; 1977 c.508 §3; 1979 c.190 §58; 1979 c.519 §10a; 1981 c.173 §14; 1985 c.471 §5]

247.565 Elector activity maintenance file. (1) The county clerk, not later than January 1 of each even-numbered year, shall create a separate file of electors within the county for the purpose of elector activity determination.

(2) From the time a new elector activity maintenance file is created until September 1 of the next odd-numbered year, the county clerk shall examine the poll books for each election held within the county to determine the names of electors who have voted or to whom a ballot has been mailed, but not returned to the county clerk indicating a change of the elector's residence or mailing address. If the elector activity maintenance file of a county is manually maintained, the name of an elector who has voted in any election or to whom a ballot has been mailed, but not returned to the county clerk indicating a change of the elector's residence or mailing address during that period shall be removed from the elector activity maintenance file. The name of an elector who has reregistered or whose registration has been canceled also shall be removed from the registration record and the elector activity maintenance file. If the elector activity maintenance file of a county is mechanically maintained, the automated registration record of electors who have voted in any election or to whom a ballot has been mailed, but not returned to the county clerk indicating a change of the elector's residence or

mailing address during that period shall be updated to indicate which electors have voted or to whom a ballot has been mailed, but not returned to the county clerk indicating a change of the elector's residence or mailing address. The registration record of an elector who has reregistered or whose registration has been canceled shall be removed from the registration records and the elector activity maintenance file.

(3) Between September 15 and September 30 of each odd-numbered year, the county clerk shall mail a written notice to electors who are indicated by the elector activity maintenance file as not having voted or not having received a ballot by mail during the period described in subsection (2) of this section. The notice shall be sent first class mail and be clearly marked "Address Correction Requested." The notice shall be in a form prescribed by the Secretary of State.

(4) In lieu of mailing the notice in September as provided in subsection (3) of this section, the county clerk may mail the notice to an elector after the elector has had a continuous two-year period of voting inactivity or has not received a ballot by mail.

(5) The county clerk shall remove from the register of electors the registration card of any elector sent the notice in subsection (3) or (4) of this section if the county clerk receives evidence that the elector's residence or mailing address has changed. [Formerly 247.600; 1981 c.173 §17; 1987 c.719 §§15, 16; 1989 c.503 §4]

247.567 Notice of change of address from Motor Vehicles Division to Secretary of State; notice to county clerks; cancellation of registration. (1) The Motor Vehicles Division of the Department of Transportation shall furnish to the Secretary of State, each month, a list of the names of persons who have notified the division of a change in the person's residence or mailing address. The list shall also include, if available, the person's date of birth, county of residence, any previous county of residence, residence or mailing address, previous residence or mailing address and any other information required by the Secretary of State by rule.

(2) The Secretary of State shall furnish, at least once a month, a copy of the appropriate names from the list referred to in subsection (1) of this section to every county clerk.

(3) Notwithstanding ORS 247.565, a county clerk may cancel the registration of an individual if the list referred to in subsection (1) of this section shows a residence or mailing address that is different from the residence or mailing address on the individual's registration card. The county clerk

shall mail the person a forwardable written notice of the cancellation. The written notice shall contain a voter registration card. [1989 c.979 §4]

247.570 Notice of deaths to Secretary of State and county clerk; effect of notice. The Health Division, during the last week of each month, shall furnish to the Secretary of State a list of the name, age, county of residence and residence address of each resident of this state who has died during the preceding month. The Secretary of State shall furnish a copy of the appropriate names to each county clerk. Each county clerk immediately shall cancel registrations of those individuals. [1963 c.346 §4; 1979 c.190 §60]

247.575 [1975 c.766 §2; repealed by 1979 c.190 §431]

247.580 County clerk to retain notices or elector listings for two years. (1) Copies of all notices and other correspondence issued under ORS 247.195, 247.560, 247.565, 247.570 and 247.595 shall be retained by the county clerk for two years.

(2) If the elector registration records of a county are mechanically maintained, the county clerk may satisfy the requirements of subsection (1) of this section by maintaining for two years:

(a) Computer listings of electors to whom the clerk issued notices or any other correspondence under ORS 247.195, 247.560, 247.565 and 247.570 and facsimile copies of notices and correspondence; or

(b) Microfilm records of the listings and copies. [1963 c.346 §5; 1975 c.766 §3; 1979 c.190 §61; 1981 c.173 §18; 1985 c.808 §8b]

247.585 Cancellation of registration based on United States Postal Service records. (1) Notwithstanding ORS 247.565, a county clerk may cancel the registration of an individual if the United States Postal Service records show a residence or mailing address that is different from the residence or mailing address on the individual's registration card. The county clerk shall mail the person a forwardable written notice of the cancellation. If the United States Postal Service records show that the new residence or mailing address of the individual is within the state, the written notice shall include a voter registration card.

(2) This section shall not apply if the United States Postal Service or a city or county changes the residence or mailing address of the person and the residence of the person has not been relocated. [1989 c.173 §4]

247.590 Registration not to be canceled while elector in Armed Forces; exception. Except as provided in ORS 247.595, an elector's registration shall not be canceled during service in the Armed Forces of the

United States or of any ally of the United States. [Formerly 247.280; 1985 c.808 §8c]

247.595 Cancellation of registration of long term absent elector; notice. (1) The county clerk may cancel the registration of a long term absent elector if:

(a) The county clerk mails a written notice of inquiry as provided in subsections (2) and (3) of this section; and

(b) The county clerk determines that the elector has not responded as provided in subsection (4) of this section.

(2) The county clerk shall mail a written notice of inquiry to a long term absent elector when either of the following circumstances occurs:

(a) When the elector is indicated by the records of the county clerk as having had a four-year period of voting inactivity.

(b) When the absentee ballots for any two elections in any year have been sent to the elector and the ballots have been returned to the county clerk with an indication to the effect that the ballot was undeliverable because the address to which the ballot was sent is not the current mailing address of the elector.

(3) The notice of inquiry shall be in a form prescribed by the Secretary of State and:

(a) Shall state the requirements of reregistration and allow the elector to supply necessary information for reregistration on the notice; and

(b) Shall contain a warning that the elector's registration will be canceled if the information is not given to the county clerk before the 70th day after the date of the notice.

(4) The county clerk shall not remove from the register of electors the registration card of any long term absent elector sent the notice of inquiry if before the 70th day after the date of the date of the notice:

(a) The elector signs and delivers to the county clerk a statement that the information on the card is still correct; or

(b) The elector reregisters.

(5) As used in this section, "long term absent elector" has the meaning given that term in ORS 253.510. [1985 c.808 §8a]

247.600 [1975 c.766 §1; 1977 c.829 §5; 1979 c.190 §59; 1979 c.519 §11a; renumbered 247.565]

247.610 [1963 c.595 §2 (247.610, 247.620, 247.630 to 247.650, 250.365 and 250.375 enacted in lieu of 247.251); repealed by 1975 c.766 §29]

247.620 [1963 c.595 §3 (247.610, 247.620, 247.630 to 247.650, 250.365 and 250.375 enacted in lieu of 247.251); 1967 c.64 §1; repealed by 1975 c.766 §29]

247.625 [1967 c.64 §§3, 4, 5, 6; repealed by 1975 c.766 §29]

247.630 [1963 c.595 §4 (247.610, 247.620, 247.630 to 247.650, 250.365 and 250.375 enacted in lieu of 247.251); repealed by 1967 c.64 §7]

247.640 [1963 c.595 §7 (247.610, 247.620, 247.630 to 247.650, 250.365 and 250.375 enacted in lieu of 247.251); repealed by 1967 c.64 §7]

247.650 [1963 c.595 §8 (247.610, 247.620, 247.630 to 247.650, 250.365 and 250.375 enacted in lieu of 247.251); repealed by 1975 c.766 §29]

REGISTRATION LISTS

247.905 [1969 c.421 §2; repealed by 1979 c.190 §431]

247.910 [Formerly 247.510; 1971 c.241 §9; 1975 c.678 §22; repealed by 1979 c.190 §431]

247.915 [1969 c.421 §§3, 4, 6; 1971 c.32 §1; 1975 c.779 §3; repealed by 1979 c.190 §431]

247.920 [Formerly 247.520; repealed by 1969 c.421 §11]

247.925 [1969 c.421 §5; 1971 c.32 §2; repealed by 1979 c.190 §431]

247.935 [1969 c.421 §7; repealed by 1979 c.190 §431]

247.940 Registration lists; delivery without charge to specified persons. (1) Not later than the 21st day before any primary, general or special congressional election, the chair of the county or state central committee of a major political party qualified under ORS 248.006 or the chair of a minor political party qualified under ORS 248.008 may request from the county clerk a list of electors of the county. The list shall contain the name, party affiliation, residence or mailing address and precinct name or number of each elector and shall be arranged in groups by election precinct. A chair of the county or state central committee of a major political party or the chair of a minor political party may make no more than two separate requests under this subsection.

(2) If the county clerk receives a request under subsection (1) of this section, the clerk shall deliver the list not later than:

(a) Ten days after receiving the request; or

(b) The date requested, provided that the date requested is more than 10 days after the request was made and at least 10 days before the date of any primary, general or special congressional election.

(3) The county clerk shall not charge for preparation or delivery of the list supplied under this section. [1979 c.190 §63; 1979 c.519 §13a; 1989 c.637 §1; 1991 c.107 §2]

247.945 Registration lists delivered to any person; charges. (1) The county clerk, upon request before the 45th day before a primary, general or special election, shall deliver to any person a list of electors. The lists shall be prepared in the manner requested, limited only to the capabilities of the Secretary of State or the county clerk.

(2) The county clerk shall collect and pay into the county treasury a charge for the

actual cost of supplying lists under subsection (1) of this section.

(3) The county clerk shall keep a record of all persons to whom a list of electors is delivered under this section. [1969 c.421 §§8, 9; 1979 c.190 §64; 1989 c.637 §2]

247.955 Use of lists for commercial purposes prohibited; exceptions. (1) Except as provided in subsection (2) of this section, no person to whom a list of electors is made available or supplied under ORS 247.940 or 247.945 shall use any information in the list for commercial purposes.

(2) A person shall not be considered to use for commercial purposes any information contained in a list of electors made available

or supplied under ORS 247.940 or 247.945 if the person obtains the list of electors for the purposes of resale to candidates or political committees for political purposes only. [1969 c.421 §10; 1979 c.190 §65; 1989 c.637 §3]

PENALTIES

247.990 [Amended by 1955 c.695 §4; repealed by 1957 c.608 §231]

247.991 Penalties. (1) Violation of ORS 247.121 (2), 247.125, 247.340 (4) or 247.420 (2) is a Class C felony.

(2) Violation of ORS 247.121 (3) is a Class C misdemeanor. [1957 c.608 §48; 1961 c.114 §9; 1975 c.678 §23; 1979 c.190 §66; 1985 c.808 §9; 1985 c.833 §5; 1987 c.719 §13; 1987 c.733 §6]

Chapter 248

1991 EDITION

Political Parties; Presidential Electors

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ELECTIONS

GENERAL PROVISIONS

248.002 Definitions. As used in this chapter:

(1) "Committee office" means chairman, vice chairman or other office the county or state central committee of a political party creates to govern the business of the committee.

(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) "Member" means an individual who is registered as being affiliated with the political party. [1979 c.190 §67]

248.005 Parties to insure widest and fairest representation of members. Each political party by rule shall insure the widest and fairest representation of party members in the party organization and activities. Rules shall be adopted by procedures that assure the fair and open participation of all interested party members. [1975 c.779 §1; 1979 c.190 §68]

248.006 Qualification as major political party. An affiliation of electors becomes a major political party when its candidates for presidential elector have polled at the last general election at least 20 percent of the total votes cast for that office. [1979 c.190 §69]

248.008 Qualification as minor political party; statement regarding payment of petition circulators. An affiliation of electors becomes a minor political party in the state, a county or other electoral district, qualified to make nominations for public office in that electoral district and in any other electoral district wholly contained within the electoral district, when either of the following events occurs:

(1) When the affiliation of electors has filed with the Secretary of State a petition with the signatures of at least a number of electors equal to two and one-half percent of the number of electors registered in the electoral district. The petition also shall state the intention to form a new political party and give the designation of it. The filed petition shall contain only original signatures. The signatures on the petition shall be certified for genuineness by the county clerk under ORS 249.008. Before circulating the petition, the chief sponsor of the petition shall file with the Secretary of State a signed copy of the prospective petition. The chief sponsor shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signa-

tures of electors on the petition. After the prospective petition is filed, the chief sponsor shall notify the filing officer not later than the 10th day after the chief sponsor first has knowledge or should have had knowledge that:

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

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.

(2) When the affiliation of electors has polled for any one of its candidates for any public office in the electoral district, at the last general election, at least one percent of the entire vote cast for Representative in Congress in the electoral district. [1979 c.190 §70; 1983 c.756 §5; 1989 c.68 §1; 1989 c.923 §27]

248.010 Use of party name. Each major political party and minor political party, its nominated candidates and its members and officers shall have the exclusive right to use the whole party name or any part of it. [Amended by 1957 c.608 §49; 1965 c.407 §1; 1975 c.779 §4; 1979 c.190 §71; 1983 c.514 §5]

248.012 Notice of committee meetings required. The chairman of a county central committee or state central committee shall notify by mail the entire membership of the committee not later than the sixth day before the date of an anticipated meeting. Except for the notice of an organizational meeting of a county central committee, failure to give timely notice of the time, date and place of a meeting shall invalidate the business of the meeting. [Formerly 248.100]

PRECINCT COMMITTEEPERSONS

248.015 Precinct committeepersons; qualifications; election; vote required; term. (1) A precinct committeeperson shall be a representative of the major political party in the precinct. At the primary election a major political party shall elect from its members a committeeperson of each sex for every 500 electors, or major fraction thereof, who are registered in the precinct on January 31 of the year of the primary election. In any event the political party members of a precinct shall be entitled to elect not less than one committeeperson of each sex in the precinct. No person shall hold office as committeeperson in more than one precinct.

(2) A member of a major political party may become a candidate for precinct committeeperson of the precinct in which the person is registered, or of a precinct within the same county adjoining that precinct, by filing a declaration of candidacy described in

ORS 249.031, except as provided in subsection (3) of this section.

(3) ORS 249.031 (1)(i) shall not apply to declarations of candidacy for candidates for precinct committeeperson.

(4) A member of the major political party who has been a member of that party for 180 days before the primary election may be elected by write-in votes as precinct committeeperson of the precinct in which the member is registered, or of a precinct within the same county adjoining that precinct.

(5) Unless a qualified person receives at least three votes, no person shall be deemed to have been elected as precinct committeeperson and the office of committeeperson shall be vacant.

(6) The term of office of a precinct committeeperson is from the 24th day after the date of the primary election until the 24th day after the date of the next following primary election.

(7) A precinct committeeperson shall not be considered a public officer. [1965 c.407 §§3, 7; subsection (6) enacted as 1967 c.540 §3 (3); 1969 c.242 §1; 1977 c.199 §1; 1977 c.644 §1; 1979 c.190 §73; 1981 c.862 §1; 1991 c.87 §1; 1991 c.107 §3]

Note: Sections 2 and 6, chapter 87, Oregon Laws 1991, provide:

Sec. 2. As used in ORS 248.015, "primary election" means the biennial primary election. [1991 c.87 §2; 1991 c.107 §18]

Sec. 6. Section 2 of this Act is added to and made a part of chapter 267, Oregon Laws 1987. [1991 c.87 §6; 1991 c.107 §19]

248.018 [1973 c.827 §24b; repealed by 1979 c.190 §431]

248.020 [Amended by 1957 c.608 §50; repealed by 1965 c.407 §18]

248.023 Certificates of election; acceptance of office; list of precinct committeepersons; offices declared vacant when no committeeperson elected.

(1) Not later than the 17th day after a primary election, the county clerk shall mail a certificate of election to each newly elected precinct committeeperson within the county. The clerk also shall mail an "Acceptance of Office" form to each person elected by write-in votes to the office of committeeperson. The form shall include a statement to be signed by the person elected that the person is qualified to hold the office.

(2) A person elected by write-in votes to the office of precinct committeeperson shall be certified for the office by filing with the county clerk, not later than the 24th day after the date of the primary election, a signed "Acceptance of Office" form.

(3) Not later than the 28th day after a primary election, the county clerk shall prepare, maintain and furnish to the chairmen of the respective retiring county central committees within the county and the chair-

men of the state central committees, a list of the party precinct committeepersons elected and certified. At the same time the county clerk shall declare the other offices of committeeperson vacant. [1965 c.407 §§4, 5; 1975 c.779 §5; 1977 c.644 §2; 1979 c.190 §74]

Note: The amendments to 248.023 by section 10, chapter 267, Oregon Laws 1987, are repealed on January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

248.023. (1) Not later than the 17th day after a biennial primary election, the county clerk shall mail a certificate of election to each newly elected precinct committeeperson within the county. The clerk also shall mail an "Acceptance of Office" form to each person elected by write-in votes to the office of committeeperson. The form shall include a statement to be signed by the person elected that the person is qualified to hold the office.

(2) A person elected by write-in votes to the office of precinct committeeperson shall be certified for the office by filing with the county clerk, not later than the 24th day after the date of the biennial primary election, a signed "Acceptance of Office" form.

(3) Not later than the 28th day after a biennial primary election, the county clerk shall prepare, maintain and furnish to the chairmen of the respective retiring county central committees within the county and the chairmen of the state central committees, a list of the party precinct committeepersons elected and certified. At the same time the county clerk shall declare the other offices of committeeperson vacant.

248.024 Resignation or ineligibility of precinct committeeperson. (1) A precinct committeeperson may resign from the office by filing a written notification of resignation with the county clerk. Upon receipt of this notification, the county clerk shall:

(a) Remove the name of the person from the list of committeepersons.

(b) Declare that office vacant.

(c) Notify the appropriate county central committee.

(2) When a precinct committeeperson ceases to be registered in the precinct in which the committeeperson was elected or a precinct adjoining that precinct within the same county, changes political party registration or dies, the county central committee shall notify the county clerk of the fact. Upon receipt of this notification, if the county clerk determines that the notification is correct, the clerk shall:

(a) Remove the name of the person from the list of committeepersons.

(b) Declare that office vacant. [Formerly 248.047]

248.025 [1965 c.407 §6; 1979 c.190 §79; renumbered 248.031]

248.026 Selection of precinct committeeperson to fill vacancy; effective date of selection; term; powers. (1) The members of a county central committee may select a member of the major political party who is registered in the precinct in which

the vacancy exists, or registered in a precinct within the same county adjoining that precinct, to fill a vacancy in the office of precinct committeeperson.

(2) When a county central committee votes to select a person to fill a vacancy in the office of precinct committeeperson, the chairman of the committee shall give written notice to the county clerk of the proposed selection. The selection shall take effect when the county clerk upon timely verification of eligibility, places the name of the person selected on the list of committeepersons. The county clerk shall then send written notice of the selection to the person and the county central committee.

(3) A person selected to fill a vacancy in the office of precinct committeeperson may be removed from office at the pleasure of the central committee, but, except as provided in subsection (4) of this section, otherwise shall hold the office for the unexpired term and shall have the powers, duties and privileges of an elected committeeperson.

(4) A person selected to fill a vacancy in the office of precinct committeeperson may not vote on the election of county central committee officers at the organizational meeting of the newly elected committee as provided in ORS 248.035. A person selected to fill a vacancy in the office of precinct committeeperson may vote to fill any vacancy in a committee office after the organizational meeting. [Formerly 248.055; 1987 c.620 §1]

248.027 Committeeperson to continue on central committee despite change in precinct. A precinct committeeperson who represents a precinct which is subsequently combined, consolidated or abolished shall continue to be a member of the county central committee until the end of that committeeperson's regular term of office. [Formerly 248.057]

248.029 Recall procedure. (1) Except as provided in this section, the provisions for recall of a public officer under ORS 249.002 to 249.015 and 249.865 to 249.877, apply to a recall election of a precinct committeeperson.

(2) A precinct committeeperson may be recalled by a petition signed by the number of party members equal to not less than 25 percent of the number of party members who voted in the precinct as it existed at the preceding primary election. The petitioners shall state in not more than 200 words on the recall petition the reasons for the recall. If the committeeperson resigns, the resignation shall take effect on the date of the resignation. If the committeeperson does not resign before the fifth day after the petition

is filed with the county clerk, a special election shall be ordered by the county clerk to be held not later than the 25th day after the petition is filed to determine whether the committeeperson will be recalled. The recall election shall be held in the precinct as it existed when the committeeperson was elected. On the ballot shall be printed the reasons for the recall stated in the recall petition, and, in not more than 200 words, the committeeperson's justification of the committeeperson's actions in office. The committeeperson shall continue to perform duties of the office until the result of the special election is declared.

(3) The cost of the election shall be paid by the county central committee of the party of the committeeperson. [Formerly 248.053; 1981 c.173 §19]

Note: The amendments to 248.029 by section '11, chapter 267, Oregon Laws 1987, are repealed on January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

248.029. (1) Except as provided in this section, the provisions for recall of a public officer under ORS 249.002 to 249.015 and 249.865 to 249.877, apply to a recall election of a precinct committeeperson.

(2) A precinct committeeperson may be recalled by a petition signed by the number of party members equal to not less than 25 percent of the number of party members who voted in the precinct as it existed at the preceding biennial primary election. The petitioners shall state in not more than 200 words on the recall petition the reasons for the recall. If the committeeperson resigns, the resignation shall take effect on the date of the resignation. If the committeeperson does not resign before the fifth day after the petition is filed with the county clerk, a special election shall be ordered by the county clerk to be held not later than the 25th day after the petition is filed to determine whether the committeeperson will be recalled. The recall election shall be held in the precinct as it existed when the committeeperson was elected. On the ballot shall be printed the reasons for the recall stated in the recall petition, and, in not more than 200 words, the committeeperson's justification of the committeeperson's actions in office. The committeeperson shall continue to perform duties of the office until the result of the special election is declared.

(3) The cost of the election shall be paid by the county central committee of the party of the committeeperson.

248.030 [Amended by 1957 c.608 §51; repealed by 1965 c.407 §18]

COUNTY CENTRAL COMMITTEE

248.031 Precinct committeepersons as county central committee; status and functions of committee. The precinct committeepersons of the county shall constitute the county central committee of their party. The county central committee of each major political party is the highest party authority in county party matters and may adopt rules or resolutions for any matter of party government within the county which is not controlled by the laws of this state. [Formerly 248.025]

248.033 Organizational meeting; notice. (1) The organizational meeting of a newly elected county central committee shall be held not sooner than the sixth day following the mailing of the notice of the organizational meeting required by subsection (2) of this section and not later than the 50th day after the date of the primary election or the 50th day after the date of the general election, as provided by state party rule. The retiring county central committee shall prepare a written notice designating the time, date and place of the meeting. A copy of the notice for each newly elected precinct committeeperson shall be filed with the county clerk not later than the 10th day following the primary election. The retiring county central committee also shall mail a copy of the notice to the retiring state central committee.

(2) The county clerk shall mail a copy of the notice of the organizational meeting to each newly elected precinct committeeperson when the county clerk mails the certificate of election or acceptance of office required by ORS 248.023 (1).

(3) If the organizational meeting is held after the general election, the chairman of the retiring county central committee shall mail a second copy of the notice of the time, date and place of the meeting, not later than the 10th day before the meeting, to each member of the newly elected county central committee. [1965 c.407 §8; 1975 c.779 §6; 1977 c.644 §3; 1979 c.190 §80; 1981 c.862 §2]

Note: The amendments to 248.033 by section 12, chapter 267, Oregon Laws 1987, are repealed on January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

248.033. (1) The organizational meeting of a newly elected county central committee shall be held not sooner than the sixth day following the mailing of the notice of the organizational meeting required by subsection (2) of this section and not later than the 50th day after the date of the biennial primary election or the 50th day after the date of the general election, as provided by state party rule. The retiring county central committee shall prepare a written notice designating the time, date and place of the meeting. A copy of the notice for each newly elected precinct committeeperson shall be filed with the county clerk not later than the 10th day following the biennial primary election. The retiring county central committee also shall mail a copy of the notice to the retiring state central committee.

(2) The county clerk shall mail a copy of the notice of the organizational meeting to each newly elected precinct committeeperson when the county clerk mails the certificate of election or acceptance of office required by ORS 248.023 (1).

(3) If the organizational meeting is held after the general election, the chairman of the retiring county central committee shall mail a second copy of the notice of the time, date and place of the meeting, not later than the 10th day before the meeting, to each member of the newly elected county central committee.

248.035 Transfer of property; election of officers; notice of election; eligibility

to vote. (1) At the organizational meeting of the newly elected county central committee:

(a) The officers of the retiring county central committee shall make available to the newly elected committee the property, records and funds owned or controlled by the retiring committee.

(b) The newly elected committee next shall elect a chairman, vice chairman 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 newly elected chairman, within 48 hours of the chairman's election, shall send a list of the newly elected officers of the committee to the county clerk and to the retiring 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 chairman 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. [1965 c.407 §9 (1), (2), (3), (4); 1973 c.773 §5; 1975 c.779 §7; 1979 c.190 §81]

248.040 [Repealed by 1965 c.407 §18]

248.043 Procedure if meeting not called; filling vacancies when no precinct committeeperson elected; term of appointee; notice to county clerk. If a newly elected county central committee fails to meet or to organize or if no person within a county is elected by a major political party as a precinct committeeperson, the chairman of the retiring state central committee shall appoint a temporary chairman of the county central committee. The temporary chairman shall call an organizational meeting and organize the committee as provided by applicable provisions of ORS 248.033 and 248.035. A temporary chairman appointed when no precinct committeeperson is elected 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

chairman 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. [1965 c.407 §9 (5), (6); 1979 c.190 §82]

248.045 Proxies prohibited; bylaws or rules; executive committee functions; voting privileges. Proxies in no instance shall be permitted to participate at any county central committee 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. [1965 c.407 §10; 1979 c.190 §83]

Note: The amendments to 248.045 by section 13, chapter 267, Oregon Laws 1987, are repealed on January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

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

(c) Member of the executive committee of the county central committee.

248.047 [1965 c.407 §11; 1967 c.540 §1; 1975 c.779 §8; 1979 c.190 §75; renumbered 248.024]

248.049 [1967 c.540 §3 (1), (2); repealed by 1979 c.190 §431]

248.050 [Repealed by 1965 c.407 §18]

248.053 [1967 c.540 §4; 1979 c.190 §78; renumbered 248.029]

248.055 [1965 c.407 §12; 1967 c.540 §2; 1975 c.779 §9; 1979 c.190 §76; renumbered 248.026]

248.057 [1967 c.124 §2; 1979 c.190 §77; renumbered 248.027]

248.060 [Amended by 1957 c.608 §52; repealed by 1965 c.407 §18]

248.070 [Amended by 1957 c.608 §53; 1961 c.94 §1; repealed by 1965 c.407 §18]

248.071 [1965 s.s. c.1 §3 (enacted as 248.070); repealed by 1967 c.227 §1]

STATE CENTRAL COMMITTEE

248.072 Authority of state central committee. The state central committee is the highest party authority in the state and may adopt rules or resolutions for any matter of party government which is not controlled by the laws of this state. [1979 c.190 §84]

248.075 State central committee; organizational meeting; notice; procedure if meeting not called. (1) The state central committee shall consist of at least two delegates from each county central committee and other delegates from each county equal to the number of party members in the county registered on the date of the primary election divided by 15,000. If the remaining number exceeds 7,500, one additional delegate shall represent the county. Such delegates and an equal number of alternate delegates shall be selected by the county central committee. When a delegate of a county central committee is unable to attend a meeting of the state central committee, an alternate delegate of the county central committee may attend the meeting.

(2) The organizational meeting of a newly elected state central committee shall be held not earlier than the 55th day and not later than the 75th day after the primary election or the 75th day after the date of the general election, as determined by party rule. The time, date and place of the state organizational meeting shall be designated by the chairman of the retiring state central committee who also shall mail notice of the meeting, not later than the sixth day before the meeting, to each member of the newly elected state central committee.

(3) If the state organizational meeting is held after the general election, the chairman of the retiring state central committee shall

mail a notice of the meeting to the county central committees not later than the 45th day before the meeting. The state central committee may not reorganize without the mailing of this notification.

(4) If a county central committee fails to organize before the organizational meeting of the state central committee, the appointed temporary chairman of the county central committee may act as the sole delegate from that committee to the state central committee.

(5) If the chairman of the retiring state central committee fails to call the organizational meeting of the newly elected state central committee as prescribed by subsection (2) of this section, the vice chairman of the retiring state central committee, not later than the 20th day after, the latest date allowed by party rule under subsection (2) of this section, shall designate the time, date and place of an organizational meeting and give notice of it not later than the sixth day before the meeting. If neither the chairman nor vice chairman calls an organizational meeting, the meeting may be called by a petition signed by at least 19 chairmen of the county central committees. The petition shall state the time, date and place of the organizational meeting. A copy of the petition shall be mailed to each newly elected chairman and vice chairman of the county central committees not later than the sixth day before the meeting. A copy of the petition shall be filed with the Secretary of State. [1965 c.407 §13; 1975 c.779 §10; 1979 c.190 §85; 1981 c.862 §3]

Note: The amendments to 248.075 by section 14, chapter 267, Oregon Laws 1987, are repealed on January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

248.075. (1) The state central committee shall consist of at least two delegates from each county central committee and other delegates from each county equal to the number of party members in the county registered on the date of the biennial primary election divided by 15,000. If the remaining number exceeds 7,500, one additional delegate shall represent the county. Such delegates and an equal number of alternate delegates shall be selected by the county central committee. When a delegate of a county central committee is unable to attend a meeting of the state central committee, an alternate delegate of the county central committee may attend the meeting.

(2) The organizational meeting of a newly elected state central committee shall be held not earlier than the 55th day and not later than the 75th day after the biennial primary election or the 75th day after the date of the general election, as determined by party rule. The time, date and place of the state organizational meeting shall be designated by the chairman of the retiring state central committee who also shall mail notice of the meeting, not later than the sixth day before the meeting, to each member of the newly elected state central committee.

(3) If the state organizational meeting is held after the general election, the chairman of the retiring state central committee shall mail a notice of the meeting to

the county central committees not later than the 45th day before the meeting. The state central committee may not reorganize without the mailing of this notification.

(4) If a county central committee fails to organize before the organizational meeting of the state central committee, the appointed temporary chairman of the county central committee may act as the sole delegate from that committee to the state central committee.

(5) If the chairman of the retiring state central committee fails to call the organizational meeting of the newly elected state central committee as prescribed by subsection (2) of this section, the vice chairman of the retiring state central committee, not later than the 20th day after the latest date allowed by party rule under subsection (2) of this section, shall designate the time, date and place of an organizational meeting and give notice of it not later than the sixth day before the meeting. If neither the chairman nor vice chairman calls an organizational meeting, the meeting may be called by a petition signed by at least 19 chairmen of the county central committees. The petition shall state the time, date and place of the organizational meeting. A copy of the petition shall be mailed to each newly elected chairman and vice chairman of the county central committees not later than the sixth day before the meeting. A copy of the petition shall be filed with the Secretary of State.

248.080 [Amended by 1957 c.608 §54; repealed by 1965 c.407 §18]

248.085 Transfer of property; election of officers; bylaws or rules; executive committee functions. (1) At the organizational meeting of the state central committee:

(a) The officers of the retiring state central committee shall deliver to the newly elected committee the property, records and funds owned or controlled by the retiring committee.

(b) The committee shall elect a chairman, vice chairman and other officers the committee considers necessary. The persons elected to the offices need not be members of the state central committee. The committee shall determine the term of each office.

(c) The committee shall adopt, amend or repeal bylaws or rules for the government of the state central committee.

(2) At any meeting of the state central committee, the committee, by bylaw or resolution, may select an executive committee and delegate powers to it. The persons selected as the executive committee need not be members of the state central committee. In no event may the central committee delegate, or the executive committee exercise, the power to elect a person to fill a vacancy in state committee offices. However, the central committee may provide in its bylaws for the appointment by the executive committee of a temporary officer to fill a vacancy. [1965 c.407 §14; 1975 c.779 §11; 1979 c.190 §86]

248.090 [Amended by 1957 c.608 §55; 1965 s.s. c.1 §4; 1971 c.627 §1; repealed by 1975 c.779 §28]

248.095 Organization of state central committee; eligibility of contributions to

party for tax credit; eligibility of party for political contribution checkoff funds. If the Secretary of State determines under ORS 260.345 that a violation of ORS 248.075 has occurred, in addition to any other action authorized by law, the Secretary of State shall notify the Department of Revenue that contributions to the major political party violating ORS 248.075 are not eligible for a tax credit under ORS 316.102 and that the major political party is not eligible for payments as provided in ORS 260.165. [1989 c.956 §4]

248.100 [Amended by 1965 c.407 §15; 1975 c.779 §12; 1979 c.190 §71; renumbered 248.012]

248.110 [Repealed by 1957 c.608 §231]

248.120 [Repealed by 1957 c.608 §231]

248.130 [Repealed by 1957 c.608 §231]

248.140 [Repealed by 1957 c.608 §231]

248.150 [Amended by 1957 c.608 §56; 1965 c.320 §1; repealed by 1967 c.227 §1]

248.160 [Amended by 1957 c.608 §57; 1975 c.779 §12a; 1979 c.190 §87; repealed by 1983 c.567 §22]

248.170 [1973 c.773 §8; repealed by 1975 c.779 §28]

248.175 [1973 c.773 §9; renumbered 171.062]

248.180 [1973 c.773 §10; renumbered 171.064]

248.210 [1961 c.667 §2; 1965 c.407 §16; repealed by 1975 c.779 §28]

248.220 [1961 c.667 §3; repealed by 1975 c.779 §28]

248.310 [Amended by 1957 c.608 §58; 1975 c.779 §13; repealed by 1979 c.190 §431]

DELEGATES TO NATIONAL CONVENTIONS

248.315 Procedure for selection of delegates to national convention. (1) After a presidential preference primary election, each major political party by convention shall select delegates to the national convention of that party.

(2) A convention to select delegates shall be called and held at the time and place designated by the state central committee. If the committee, not later than the 10th day after the primary election, provides a copy of the notice of a congressional district convention for each delegate within the county to each county clerk whose county in part or in whole is within the congressional district, the county clerk shall mail a copy of the notice to each newly elected precinct committeeperson when the county clerk mails the certificate of election or acceptance of office form required by ORS 248.023 (1).

(3) Delegates to the national convention of the party shall be selected so that the number of delegates who favor a certain candidate shall represent the proportion of votes received by the candidate in relation to the other candidates of that party at the presidential preference primary election. Each person selected as a delegate shall sign

a pledge that the person will continue to support at the national convention the candidate for President of the United States the person is selected as favoring until:

(a) The candidate is nominated at the convention;

(b) The candidate receives less than 35 percent of the votes for nomination at the convention;

(c) The candidate releases the delegate from the pledge; or

(d) Two convention nominating ballots have been taken. [1975 c.779 §15; 1979 c.190 §88; 1979 c.748 §1]

Note: The amendments to 248.315 by section 15, chapter 267, Oregon Laws 1987, are repealed on January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

248.315. (1) After a presidential primary election, each major political party by convention shall select delegates to the national convention of that party.

(2) A convention to select delegates shall be called and held at the time and place designated by the state central committee.

(3) Delegates to the national convention of the party shall be selected so that the number of delegates who favor a certain candidate shall represent the proportion of votes received by the candidate in relation to the other candidates of that party at the presidential primary election. Each person selected as a delegate shall sign a pledge that the person will continue to support at the national convention the candidate for President of the United States the person is selected as favoring until:

(a) The candidate is nominated at the convention;

(b) The candidate receives less than 35 percent of the votes for nomination at the convention;

(c) The candidate releases the delegate from the pledge; or

(d) Two convention nominating ballots have been taken.

248.320 [Amended by 1957 c.608 §59; 1969 c.603 §1; subsections (2), (3), (4) enacted as 1969 c.603 §4; 1971 c.685 §1; repealed by 1975 c.779 §28]

248.325 [1971 c.590 §2; repealed by 1975 c.779 §28]

248.330 [Amended by 1957 c.608 §60; 1969 c.603 §2; repealed by 1975 c.779 §28]

248.340 [Amended by 1957 c.608 §61; renumbered 248.355]

248.350 [Amended by 1957 c.608 §62; repealed by 1975 c.779 §28]

248.352 [1965 c.526 §2, 3, 5; repealed by 1975 c.779 §28]

248.354 [1965 c.526 §4; repealed by 1975 c.779 §28]

PRESIDENTIAL ELECTORS

248.355 Procedure for selection of presidential electors; candidate's pledge. In a year when a President and Vice President of the United States are to be nominated and elected, each major political party shall select a number of candidates for elector of President and Vice President equal to the total number of Senators and Representatives to which this state is entitled in

Congress. A candidate when selected shall sign a pledge that, if elected, the candidate will vote in the electoral college for the candidates of the party for President and Vice President. The Secretary of State shall prescribe the form of the pledge. The party shall certify the names of the selected candidates to, and file the pledge of each candidate with the Secretary of State not later than the 70th day before the election of electors. [Formerly 248.340; 1961 c.46 §1; 1961 c.667 §4; 1965 c.138 §1; 1975 c.779 §16; 1979 c.190 §89]

248.360 Election time and number of presidential electors to be elected. At the general election in a year when a President and Vice President of the United States are to be elected, the electors of this state shall elect as many electors of President and Vice President as this state is entitled to elect Senators and Representatives in Congress. [Amended by 1979 c.190 §90]

248.370 Electors convene, fill vacancies and perform duties. The electors of President and Vice President shall convene

at noon at the state capital on the Monday after the second Wednesday in December following their election. If there is any vacancy in the office of an elector caused by death, refusal to act, neglect to attend or otherwise, the electors present immediately shall fill it by plurality of voice votes. When all the electors have appeared or the vacancies have been filled, the electors shall perform the duties required of them by the Constitution and laws of the United States. [Amended by 1979 c.190 §91]

248.380 Electors' compensation and traveling expenses. An elector of President and Vice President of the United States who attends at the time and place appointed and votes for President and Vice President shall be entitled to receive from this state \$10 for attendance and 15 cents a mile for travel to and from the meeting on the usually traveled route. [Amended by 1957 c.608 §63; 1979 c.190 §92]

248.390 [1965 c.407 §17; 1975 c.779 §14; 1979 c.190 §93; repealed by 1987 c.718 §5]

Chapter 249

1991 EDITION

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GENERAL PROVISIONS

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.

(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 or district court or the Oregon Tax Court.

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

(6) "Nonpartisan office" means the office of judge, Superintendent of Public Instruction, executive officer or councilor of a metropolitan service district under ORS chapter 268, justice of the peace, sheriff or district attorney.

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

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

(9) "State office" means Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, judge, state Senator, state Representative or district attorney. [1979 c.190 §94; 1983 c.350 §64; 1985 c.324 §1; 1987 c.707 §6]

249.004 Verification of documents. (1) A filing officer may verify the validity of the contents of the documents filed with the officer under this chapter.

(2) When a copy of any election document filed under this chapter is presented to the filing officer with whom the original document was filed and a request is made to have the copy compared and certified, the filing officer shall compare the copy with the original and, if necessary, correct the copy and certify and deliver it to the person who presented it. [Formerly 249.014]

249.005 Acceptance of petition or minutes without original signatures. (1) Notwithstanding ORS 249.008 and 249.875, a petition or minutes for which original signatures are otherwise required may be accepted by the county clerk for signature verification, or by another filing officer in the case

of a recall petition, with photographic copies of one or more signature sheets if:

(a) The signature sheets containing the original signatures were stolen or destroyed by fire, a natural disaster or other act of God; and

(b) The photographic copy of each original signature sheet contains the number of the original signature sheet prescribed by the Secretary of State under ORS 249.009.

(2) As used in this section, "act of God" means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight. [1989 c.68 §11]

249.006 Official dating of petitions and declarations. Immediately upon filing, a nominating petition, declaration of candidacy, withdrawal, certificate of nomination or other document required to be filed under this chapter shall be dated and time stamped by the filing officer. [Formerly 249.130]

249.007 Written request for separate tally of votes for write-in candidates. A person whose name will not be printed on the ballot may request the county clerk in writing to tally separately the votes cast for the person. The person shall file the request with the filing officer for the office not later than the 11th day before the election. The filing officer immediately shall notify the county clerk of each county in which the office will appear on the ballot. [1985 c.508 §3]

249.008 Verification of signatures by county clerk; removal of signatures prohibited after submittal. (1) Except as provided in subsection (2) of this section, before a nominating petition, minor political party formation petition, minutes of an assembly of electors, or petition by individual electors is offered for filing, the county clerk of each county in which the signatures were secured shall compare the signatures of electors on the petition or minutes with the signatures of the electors on the elector registration cards. Any petition or minutes submitted for verification under this section shall contain only original signatures. The county clerk shall attach to the petition or minutes a certificate stating the number of signatures believed to be genuine. The certificate is prima facie evidence of the facts stated in it. A signature not included in the number certified to be genuine shall not be counted by the officer with whom the petition is filed. No signature in violation of the provisions of this chapter shall be counted.

(2) If the total number of signatures presented to a county clerk for verification is 15,000 or more, the county clerk may use a

statistical sampling technique authorized by the Secretary of State to verify the signatures. The sample shall be drawn from at least 100 percent of the number of signatures required for nomination.

(3) After signatures of electors on a nominating petition, minor political party formation petition, minutes of an assembly of electors or petition by individual electors are submitted for verification, no elector who signed the petition or minutes may remove the signature of the elector from the petition or minutes. [Formerly 249.035; 1985 c.808 §10; 1989 c.68 §2]

249.009 Exclusive form of signature sheets for petitions; numbering of signature sheets. (1) The Secretary of State by rule shall:

(a) Design the form of nominating or recall petitions, certificates of nomination by individual electors, minutes of an assembly of electors or minor political party formation petitions; and

(b) Prescribe a system for numbering all signature sheets of nominating or recall petitions, certificates of nomination by individual electors, minutes of an assembly of electors or minor political party formation petitions.

(2) Regardless of any provision to the contrary in a county or city charter or ordinance, for the purpose of nominating city or county candidates, recalling city or county officers or forming a minor political party, an individual must use the applicable form designed under this section. [Formerly 246.180; 1985 c.808 §11; 1989 c.68 §3]

249.010 [Repealed by 1957 c.608 §231]

249.011 [1957 c.608 §65(1); repealed by 1979 c.190 §431]

249.012 Preservation of certain records. Certificates of nomination, acceptances and withdrawals shall be preserved for two years after the election to which they relate. [1979 c.190 §99]

249.013 Candidacy for more than one office. (1) No person shall be a candidate for more than one lucrative office to be filled at the same election.

(2) No person shall be a candidate for more than one district office to be filled at the same election. This subsection does not apply to a district that has fewer than 10,000 electors residing within the district. As used in this subsection, "district" means a district as defined in ORS 255.012.

(3) However, when a vacancy occurs, 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. [Formerly 249.750; 1991 c.971 §15]

249.014 [1961 c.64 §2; 1971 c.749 §76; 1979 c.190 §95; renumbered 249.004]

249.015 Candidate's statement of affiliation. A candidate shall not claim to be a member of a major political party of which the candidate is not a member. An unaffiliated candidate, a candidate of a minor political party or a candidate for nonpartisan office shall not claim to be a member of any major political party in the candidate's candidacy. The unaffiliated candidate shall use only "independent," and the candidate for nonpartisan office shall use only "nonpartisan." [1979 c.190 §101; 1983 c.514 §6]

MAJOR POLITICAL PARTY NOMINATIONS AND NOMINATIONS TO NONPARTISAN OFFICE

(Generally)

249.016 Nomination of candidates of major political party or for nonpartisan office. A candidate of a major political party for public office or a candidate for nonpartisan office shall be nominated only in the manner provided in ORS 249.016 to 249.205. [1957 c.608 §65(2); 1979 c.190 §102]

249.020 Filing of candidates' nominating petition or declaration of candidacy.

(1) An eligible elector may become a candidate for nonpartisan office, or for the nomination to an office by the major political party of which the elector is a member, by filing a nominating petition or a declaration of candidacy.

(2) At the time of filing, a declaration of candidacy shall be accompanied by the filing fee specified in ORS 249.056.

(3) At the time of filing, a nominating petition shall contain the signature sheets described under ORS 249.064. [Amended by 1957 c.608 §66; 1975 c.779 §17; 1979 c.190 §103]

249.025 [1973 c.283 §2; repealed by 1979 c.190 §431]

249.030 [Repealed by 1957 c.608 §231]

249.031 Contents of petition or declaration. (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) The mailing address and county of the residence of the candidate.

(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 declaration of candidacy.

(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 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) Paragraph (i) of subsection (1) of this section does not apply to a candidate for election as a precinct committeeperson.

(3) 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." [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; 1991 c.87 §3; 1991 c.719 §5]

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 249.064]

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 deadline for filing a nominating petition or declaration of candidacy, 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 130 days preceding the deadline for filing a 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; 1991 c.719 §6]

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 249.066]

(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, Superintendent 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 committee person 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]

249.070 [1957 c.608 §73; 1979 c.190 §231; renumbered 254.076]

249.072 Requirements regarding number and distribution of persons signing nonpartisan petitions. (1) If the nonpartisan office is to be voted for in the state at large, the nominating petition shall contain at least 1,000 signatures of electors, or a number of signatures of electors equal to at least one percent of the vote cast in the state for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term, whichever is less. The signatures shall include those of electors registered in each of at least one-tenth of the precincts in each of at least seven counties.

(2) The nominating petition for a nonpartisan office not provided for in subsection (1) of this section shall contain at least 500 signatures of electors in the electoral district, or a number of signatures of electors equal to at least one percent of the vote cast in the electoral district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term, whichever is less. In addition:

(a) If an office under this subsection is to be voted for in more than one county, the signatures shall include those of electors registered in each of 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 each of at least one-fifth of the precincts in the electoral district. [Formerly 252.810; 1987 c.707 §7; 1989 c.174 §2]

249.076 Qualifications of signers of petitions. No person who is not a member of the same major political party as the candidate for nomination by the major political

party may sign the nominating petition of the candidate. However, any elector may sign a nominating petition or certificate of nomination of any candidate for nonpartisan office or independent candidate and nominating petitions or certificates of nomination for more than one candidate for the same office. [Formerly 249.051; 1981 c.173 §23]

(Nomination of Presidential Candidate by Major Political Party)

249.078 Nomination of presidential candidate by major party; statement regarding payment of petition circulators.

(1) The name of a candidate for a major political party nomination for President of the United States shall be printed on the ballot or ballot label only:

(a) By direction of the Secretary of State who in the secretary's sole discretion has determined that the candidate's candidacy is generally advocated or is recognized in national news media; or

(b) By nominating petition described in this section and filed with the Secretary of State.

(2) A petition nominating a candidate under this section shall contain from each congressional district the signatures of at least 1,000 electors who are registered in the district and who are members of the major political party of the candidate. The electors in each congressional district shall include electors registered in at least one-tenth of the precincts in each of at least one-fourth of the counties in the congressional district. The petition shall contain the printed name, residence address and name or number of the precinct, if known, of each elector whose signature appears on the petition. The signatures shall be certified for genuineness by the county clerks under ORS 249.008. Before circulating the petition, the chief sponsor shall file with the Secretary of State a signed copy of the prospective petition. The chief sponsor shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the petition. After the prospective petition is filed, the chief sponsor shall notify the Secretary of State not later than the 10th day after the chief sponsor first has knowledge or should have had knowledge that:

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

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or

more such persons would be paid. [1979 c.190 §116; 1981 c.173 §24; 1983 c.756 §4]

Note: The amendments to 249.078 by section 17, chapter 287, 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.

249.078. (1) The name of a candidate for a major political party nomination for President of the United States shall be printed on the ballot or ballot label only:

(a) By direction of the Secretary of State who in the secretary's sole discretion has determined that the candidate's candidacy is generally advocated or is recognized in national news media; or

(b) By nominating petition described in this section and filed with the Secretary of State.

(2) A petition nominating a candidate under this section shall contain from each congressional district the signatures of at least 1,000 electors who are registered in the district and who are members of the major political party of the candidate. The electors in each congressional district shall include electors registered in at least one-tenth of the precincts in each of at least one-fourth of the counties in the congressional district. The petition shall contain the printed name, residence address and name or number of the precinct, if known, of each elector whose signature appears on the petition. The signatures shall be certified for genuineness by the county clerks under ORS 249.008. Before circulating the petition, the chief sponsor shall file with the Secretary of State a signed copy of the prospective petition. The chief sponsor shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the petition. After the prospective petition is filed, the chief sponsor shall notify the Secretary of State not later than the 10th day after the chief sponsor first has knowledge or should have had knowledge that:

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

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.

(3) A nominating petition under this section shall be filed not sooner than the 250th day and not later than the 70th day before the date of the presidential primary election.

249.080 [Repealed by 1957 c.608 §231]

(Nomination to Nonpartisan Office)

249.085 [1979 c.190 §117; 1979 c.451 §4; 1979 c.567 §2; 1985 c.808 §14; repealed by 1989 c.218 §4]

249.088 Determining number of nominees; election of candidate receiving majority of votes cast for office. At the nominating election held on the date of the primary election, two candidates shall be nominated for the nonpartisan office. However, when a candidate, other than a candidate for sheriff or a candidate to fill a vacancy, receives a majority of the votes cast for the office at the nominating election, that candidate is elected. [1979 c.190 §118; 1979 c.451 §5; 1979 c.567 §3; 1983 c.350 §66; 1989 c.218 §1; 1991 c.719 §7]

Note: Sections 41 and 42, chapter 719, Oregon Laws 1991, provide:

Sec. 41. As used in ORS 249.088, 254.145 and section 58 of this Act [255.069], "primary election" means biennial primary election. [1991 c.719 §41]

Sec. 42. Section 41 of this Act is added to and made a part of chapter 267, Oregon Laws 1987. [1991 c.719 §42]

249.090 [Amended by 1957 c.608 §74; 1975 c.766 §5; 1977 c.829 §6; repealed by 1979 c.190 §431]

249.100 [Amended by 1975 c.675 §11; repealed by 1979 c.190 §431]

249.110 [Amended by 1957 c.608 §75; 1961 c.121 §1; 1975 c.675 §12; repealed by 1979 c.190 §431]

249.120 [Repealed by 1957 c.608 §231]

249.130 [1967 c.126 §3; 1979 c.190 §96; renumbered 249.006]

249.150 [Formerly 249.280; 1973 c.827 §24d; 1975 c.675 §13; repealed by 1979 c.190 §431]

(Withdrawal before Nomination)

249.160 Filing petition or declaration for lucrative office without prior withdrawal invalid. (1) No person shall file a nominating petition or declaration of candidacy for more than one lucrative office before the date of the primary election unless the person first files a written withdrawal, under ORS 249.170, of the person's initial filing.

(2) If at any time before the date of the primary election it is determined that a person has filed two or more nominating petitions or declarations of candidacy for any lucrative office without written withdrawal or withdrawals intervening, all such filings shall be invalid and any other filing made by the same person shall be void. [1967 c.126 §92, 4; 1979 c.190 §119]

Note: The amendments to 249.160 by section 19, 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.

249.160. (1) No person shall file a nominating petition or declaration of candidacy for more than one lucrative office before the date of the biennial primary election unless the person first files a written withdrawal, under ORS 249.170, of the person's initial filing.

(2) If at any time before the date of the biennial primary election it is determined that a person has filed two or more nominating petitions or declarations of candidacy for any lucrative office without written withdrawal or withdrawals intervening, all such filings shall be invalid and any other filing made by the same person shall be void.

249.170 Withdrawal of candidacy; refund of filing fee. (1) A candidate who has filed a declaration of candidacy or a nominating petition may withdraw not later than the 67th day before the date of the primary election by filing a statement of withdrawal with the filing officer with whom the declaration or petition was filed. The statement shall be made under oath and state the reasons for withdrawal.

(2) The official with whom a declaration of candidacy is filed, upon request received not later than the 67th day before the date

of the primary election, shall refund the filing fee of a candidate who dies, withdraws or becomes ineligible for the nomination. [1979 c.190 §120]

Note: The amendments to 249.170 by section 20, 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.

249.170. (1) A candidate who has filed a declaration of candidacy or a nominating petition may withdraw not later than the 67th day before the date of the biennial primary election by filing a statement of withdrawal with the filing officer with whom the declaration or petition was filed. The statement shall be made under oath and state the reasons for withdrawal.

(2) The official with whom a declaration of candidacy is filed, upon request received not later than the 67th day before the date of the biennial primary election, shall refund the filing fee of a candidate who dies, withdraws or becomes ineligible for the nomination.

(Withdrawal from Nomination)

249.180 **Withdrawal of candidacy by nominee.** Any person who has been nominated at a nominating or primary election, or any person who has been nominated to fill a vacancy as provided in ORS 188.120 or 249.190 and 249.200, may withdraw from nomination by filing a written statement declining the nomination and stating the reason for withdrawal. The statement shall be signed by the candidate before a judge, justice of the peace, county clerk or notary public, and filed not later than the 67th day before the general election with the officer with whom the candidate's declaration of candidacy or nominating petition was filed. [Formerly 249.680; 1985 c.471 §6]

Note: The amendments to 249.180 by section 21, 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.

249.180. Any person who has been nominated at a nominating or biennial primary election, or any person who has been nominated to fill a vacancy as provided in ORS 188.120 or 249.190 and 249.200, may withdraw from nomination by filing a written statement declining the nomination and stating the reason for withdrawal. The statement shall be signed by the candidate before a judge, justice of the peace, county clerk or notary public, and filed not later than the 67th day before the general election with the officer with whom the candidate's declaration of candidacy or nominating petition was filed.

(Filling Vacancy in Nomination or Office)

249.190 **Filling vacancy in nomination of major party.** (1) Subject to subsection (3) of this section, a vacancy in the nomination of a major political party candidate may be filled before the date of the general election by that political party in a manner prescribed by party rule.

(2) Immediately after selecting a new nominee, the party, by the most expeditious means practicable, shall notify the filing officer with whom a declaration of candidacy

for the office is filed of the name of the nominee.

(3) The Secretary of State by rule may adopt a schedule specifying the period following a vacancy within which a major political party must notify the filing officer of the name of the new nominee. [1979 c.190 §122; 1985 c.808 §15]

249.200 **Nomination by major party to fill vacancy in statewide office.** (1) A major political party may nominate a candidate to fill a vacancy in a partisan elective office in the following manner:

(a) If the vacancy occurs on or before the 70th day before a primary election, by selecting a nominee at the next primary election; or

(b) If the vacancy occurs after the 70th day before the primary election but before the 20th day before the general election, by selecting a nominee as provided by party rule.

(2) The procedure under subsection (1) of this section shall not apply in any case in which one of the following specific procedures for filling a vacancy applies:

(a) The procedure specified in ORS 188.120 for the offices of Representative in Congress and United States Senator.

(b) The appointment procedure specified in ORS 171.051 to 171.064 for state legislative office.

(c) The procedure specified in ORS chapter 236 for county office.

(d) The procedure specified in ORS chapter 221 for city office.

(3) A party that selects a nominee under paragraph (b) of subsection (1) of this section, immediately after the nomination, shall notify the filing officer with whom a declaration of candidacy for the office is filed of the name of the nominee by the most expeditious means practicable.

(4) The Secretary of State by rule may adopt a schedule specifying the period following a vacancy within which a major political party that selects a nominee under paragraph (b) of subsection (1) of this section must notify the filing officer of the name of the nominee under subsection (3) of this section. [1979 c.190 §123; 1985 c.586 §3; 1985 c.808 §16; 1987 c.380 §4; 1987 c.549 §5]

Note: The amendments to 249.200 by section 22, 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.

249.200. (1) A major political party may nominate a candidate to fill a vacancy in a partisan elective office in the following manner:

(a) If the vacancy occurs on or before the 70th day before a biennial primary election, by selecting a nominee at the next biennial primary election; or

(b) If the vacancy occurs after the 70th day before the biennial primary election but before the 20th day before the general election, by selecting a nominee as provided by party rule.

(2) The procedure under subsection (1) of this section shall not apply in any case in which one of the following specific procedures for filling a vacancy applies:

(a) The procedure specified in ORS 188.120 for the offices of Representative in Congress and United States Senator.

(b) The procedure specified in ORS 171.051 to 171.064 for state legislative office.

(c) The appointment procedure specified in ORS chapter 236 for county office.

(d) The procedure specified in ORS chapter 221 for city office.

(3) A party that selects a nominee under paragraph (b) of subsection (1) of this section, immediately after the nomination, shall notify the filing officer with whom a declaration of candidacy for the office is filed of the name of the nominee by the most expeditious means practicable.

(4) The Secretary of State by rule may adopt a schedule specifying the period following a vacancy within which a major political party that selects a nominee under paragraph (b) of subsection (1) of this section must notify the filing officer of the name of the nominee under subsection (3) of this section.

249.205 Filling vacancy in nonpartisan office. If the only candidate nominated to a nonpartisan office dies, withdraws or becomes ineligible, or if a vacancy occurs in the nonpartisan office after the 70th day before the nominating election and on or before the 20th day before the general election, a candidate for the office shall be nominated by nominating petition in the manner provided for nonpartisan office. The Secretary of State by rule may adopt a schedule for filing nominating petitions under this section. The schedule may specify the period within which nominating petitions must be filed after a vacancy occurs. [Formerly 252.060; 1981 c.173 §25; 1983 c.7 §2; 1983 c.567 §8; 1985 c.808 §17]

249.210 [Amended by 1957 c.608 §76; 1975 c.675 §14; 1975 c.779 §20a; repealed by 1979 c.190 §431]

249.220 [Repealed by 1957 c.608 §231]

249.221 [1957 c.608 §78; 1961 c.336 §2; 1961 c.667 §6; 1969 c.245 §2; 1975 c.779 §21; repealed by 1979 c.190 §431]

249.230 [Repealed by 1957 c.608 §231]

249.240 [Repealed by 1957 c.608 §231]

249.250 [Repealed by 1957 c.608 §231]

249.260 [Amended by 1957 c.608 §79; 1971 c.749 §78; repealed by 1979 c.190 §431]

249.270 [Repealed by 1957 c.608 §231]

249.271 [1957 c.608 §80; 1973 c.152 §1; 1975 c.779 §22; 1977 c.665 §9; 1979 c.190 §110; renumbered 249.056]

249.280 [Amended by 1957 c.608 §81; 1961 c.76 §1; renumbered 249.150]

249.310 [Repealed by 1979 c.190 §431]

249.320 [Amended by 1957 c.608 §87; repealed by 1979 c.190 §431]

249.330 [Amended by 1955 c.726 §7; repealed by 1957 c.608 §231]

249.340 [Amended by 1965 c.417 §1; repealed by 1979 c.190 §431]

249.350 [Amended by 1957 c.608 §88; 1961 c.121 §2; repealed by 1979 c.190 §431]

249.352 [Formerly 249.530; 1961 c.121 §3; repealed by 1979 c.190 §431]

249.354 [Formerly 249.550; 1963 c.174 §1; subsection (7) enacted as 1967 c.26 §2; 1969 c.245 §3; 1973 c.154 §2; 1975 c.779 §23; 1977 c.508 §5; 1979 c.190 §235; 1979 c.409 §1; renumbered 254.115]

249.356 [1957 c.608 §103; 1961 c.68 §1; 1975 c.675 §15; repealed by 1979 c.190 §431]

249.358 [Formerly 249.540; 1961 c.74 §1; 1967 c.340 §1; repealed by 1979 c.190 §431]

249.360 [Repealed by 1957 c.608 §231]

249.362 [Formerly 249.570; 1979 c.190 §239; renumbered 254.155]

249.364 [Formerly 249.580; 1979 c.190 §388; renumbered 260.675]

249.366 [Formerly 249.510; 1979 c.190 §259; renumbered 254.305]

249.367 [1969 c.101 §3; 1977 c.829 §7; repealed by 1979 c.190 §431]

249.368 [Formerly 249.600; 1959 c.390 §1; 1961 c.170 §1; 1969 c.101 §1; repealed by 1979 c.190 §431]

249.369 [1957 c.608 §107; 1961 c.114 §10; 1977 c.352 §3; repealed by 1979 c.190 §431]

249.370 [Amended by 1957 c.608 §89; repealed by 1979 c.190 §431]

249.375 [1963 c.345 §82, 3; repealed by 1979 c.190 §431]

249.380 [Amended by 1957 c.608 §90; 1961 c.139 §1; repealed by 1979 c.190 §431]

249.385 [1963 c.337 §2; repealed by 1979 c.190 §431]

249.390 [Repealed by 1957 c.608 §231]

249.400 [Amended by 1955 c.498 §12; repealed by 1957 c.608 §231]

249.410 [Amended by 1957 c.608 §91; repealed by 1979 c.190 §431]

249.420 [Amended by 1957 c.608 §92; 1979 c.190 §109; renumbered 249.048]

249.430 [Amended by 1957 c.608 §93; repealed by 1979 c.190 §431]

249.440 [Amended by 1957 c.608 §94; repealed by 1979 c.190 §431]

249.450 [Amended by 1957 c.608 §95; repealed by 1979 c.190 §431]

249.460 [Amended by 1957 c.608 §96; 1969 c.81 §1; 1975 c.675 §16; repealed by 1979 c.190 §431]

249.470 [Amended by 1957 c.608 §97; 1975 c.675 §17; repealed by 1979 c.190 §431]

249.480 [Amended by 1957 c.608 §98; 1975 c.675 §18; repealed by 1979 c.190 §431]

249.490 [Repealed by 1957 c.608 §231]

249.491 [1957 c.608 §99; 1979 c.190 §278; renumbered 254.565]

249.505 [1971 c.29 §3; repealed by 1973 c.125 §1]

249.510 [Amended by 1957 c.608 §100; renumbered 249.366]

249.515 [1971 c.29 §4; repealed by 1973 c.125 §1]

249.520 [Repealed by 1957 c.608 §231]

249.525 [1971 c.29 §5; repealed by 1979 c.190 §431]

249.530 [Amended by 1957 c.608 §101; renumbered 249.352]

249.535 [1971 c.29 §6; repealed by 1973 c.125 §1]

249.540 [Amended by 1957 c.608 §102; renumbered 249.358]

249.545 [1971 c.29 §2; repealed by 1979 c.190 §431]
 249.550 [Amended by 1957 c.608 §101; renumbered 249.354]
 249.560 [Repealed by 1957 c.608 §231]
 249.570 [Amended by 1957 c.608 §105; renumbered 249.362]
 249.580 [Amended by 1957 c.608 §106; renumbered 249.364]
 249.590 [Repealed by 1957 c.608 §231]
 249.600 [Amended by 1957 c.608 §108; renumbered 249.368]
 249.610 [Repealed by 1957 c.608 §231]
 249.640 [1975 c.779 §24; 1977 c.829 §8; repealed by 1979 c.190 §431]
 249.650 [1957 c.608 §82; repealed by 1975 c.799 §28]
 249.652 [1973 c.527 §5; repealed by 1975 c.799 §28]
 249.654 [1973 c.527 §§6,7,8; 1975 c.779 §25; 1979 c.190 §394; renumbered 188.120]
 249.655 [1957 c.608 §83; repealed by 1973 c.527 §10]
 249.656 [1973 c.527 §9; repealed by 1975 c.799 §28]
 249.660 [1957 c.608 §84; 1973 c.773 §6; repealed by 1975 c.799 §28]
 249.665 [1957 c.608 §85; 1973 c.773 §7; repealed by 1975 c.799 §28]
 249.670 [1957 c.608 §86; repealed by 1975 c.799 §28]
 249.680 [1961 c.73 §2; 1975 c.779 §26; 1979 c.190 §121; renumbered 249.180]

NOMINATION OF CANDIDATES TO PARTISAN OFFICE BY OTHER THAN MAJOR POLITICAL PARTY

(General Provisions)

249.705 Nomination by other than major party. A minor political party, assembly of electors or individual electors may nominate one candidate for each partisan public office to be filled at the general election by preparing and filing a certificate of nomination as provided in ORS 249.712 to 249.850. [1979 c.190 §125]

249.710 [Amended by 1957 c.608 §109; 1963 c.176 §1; 1977 c.829 §9; repealed by 1979 c.190 §431]

249.712 Acceptance of nomination. (1) To complete a nomination, the nominee must accept the nomination.

(2) The acceptance of the nominee may be indorsed upon the certificate of nomination and signed by the nominee, or it may be indorsed by a letter or telegram from the nominee attached to the certificate and filed with it. If the acceptance does not accompany the certificate of nomination, the nominee, at any time after the certificate is filed and before the time for filing nominations for the office has expired, may file an acceptance in the same manner and in the same office where the certificate is filed. The officer with whom the acceptance is filed shall indorse it and attach it to the certificate of nomination to which it refers. [Formerly 249.760]

249.715 [1977 c.324 §2; 1979 c.190 §130; renumbered 249.735]

249.720 Information to be contained in certificate of nomination. (1) A certificate of nomination shall state:

(a) The name by which the candidate is commonly known. A candidate may use a nickname in parentheses in connection with the full name.

(b) The mailing address and county of the residence of the candidate.

(c) The office, and department or position number if any, for which the candidate is nominated.

(d) The name of the minor political party, if any, which nominated the candidate.

(e) If the candidate is nominated for a partisan office by an assembly of electors or individual electors, the word "independent" and a statement that the candidate has not been a member of a major or minor political party during at least 180 days before the deadline for filing the certificate of nomination.

(2) For certificates of nomination of candidates for electors of President and Vice President of the United States, the names of the candidates for President and Vice President the candidates represent may be added to the name of the minor political party or the word "independent," as the case may be. The names of all the candidates of a minor political party, or independent candidates, for electors of President and Vice President may be upon the same certificate of nomination.

(3) A certificate of nomination made by a minor political party or assembly of electors shall be signed by the presiding officer and secretary of the nominating convention of the party or assembly. An affidavit shall be made on the certificate by the presiding officer and secretary and sworn to or affirmed by them before a judge, justice of the peace, county clerk or notary public. The affidavit shall be that the statements in the certificate of nomination and related documents are true. With respect to an assembly of electors, the affidavit shall state that the assembly satisfied the requirements of ORS 249.735. [Amended by 1957 c.608 §110; 1961 c.336 §3; 1973 c.841 §2; 1975 c. 678 §24; 1979 c.190 §127; 1981 c.142 §1; 1991 c.719 §8]

249.722 Filing of certificate. (1) Except as provided in subsection (3) of this section, a certificate of nomination of a candidate for public office shall be filed not sooner than the 15th day after the date of the primary election and not later than the 70th day before the date of the general election.

(2) A certificate of nomination of a candidate for:

(a) State office, United States Senator or Representative in Congress shall be filed with the Secretary of State.

(b) County office shall be filed with the county clerk.

(c) City office shall be filed with the chief city elections officer.

(3) For a special election, including an election to fill a vacancy which occurs after the 70th day before the general election, a certificate of nomination must be filed before the 20th day preceding the election. (1979 c.190 §128)

Note: The amendments to 249.722 by section 23, 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.

249.722. (1) Except as provided in subsections (3) and (4) of this section, a certificate of nomination of a candidate for public office shall be filed not sooner than the 15th day after the date of the biennial primary election and not later than the 70th day before the date of the general election.

(2) A certificate of nomination of a candidate for:

(a) State office, United States Senator or Representative in Congress shall be filed with the Secretary of State.

(b) County office shall be filed with the county clerk.

(c) City office shall be filed with the chief city elections officer.

(3) A certificate of nomination of a candidate for elector of President and Vice President of the United States shall be filed not sooner than the 15th day after the date of the presidential primary election and not later than the 70th day before the date of the general election.

(4) For a special election, including an election to fill a vacancy that occurs after the 70th day before the general election, a certificate of nomination must be filed before the 20th day preceding the election.

249.730 [Amended by 1957 c.608 §111; 1963 c.176 §2; 1977 c.324 §3; repealed by 1979 c.190 §131]

(Nomination by Minor Political Party)

249.732 Qualification as minor party; statement regarding payment of petition circulators. An affiliation of electors becomes a minor political party in the state, a county or other electoral district, qualified to make nominations for public office in that electoral district and in any other electoral district wholly contained within the electoral district, when either of the following events occurs:

(1) When the affiliation of electors has filed with the Secretary of State a petition with the signatures of at least a number of electors equal to two and one-half percent of the number of electors registered in the electoral district. The petition also shall state the intention to form a new political party and give the designation of it. The signatures on the petition shall be certified for

genuineness by the county clerk under ORS 249.008. Before circulating the petition, the chief sponsor of the petition shall file with the Secretary of State a signed copy of the prospective petition. The chief sponsor shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the petition. After the prospective petition is filed, the chief sponsor shall notify the filing officer not later than the 10th day after the chief sponsor first has knowledge or should have had knowledge that:

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

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.

(2) When the affiliation of electors has polled for any one of its candidates for any public office in the electoral district, at the last general election, at least one percent of the entire vote cast for Representative in Congress in the electoral district. (1979 c.190 §129; 1983 c.756 §6; 1989 c.923 §2a)

(Nomination by Assembly of Electors)

249.735 Qualification as assembly of electors; records; notice; nomination by assembly. (1) An assembly of electors is an organized body:

(a) Of not fewer than 1,000 electors of the state for a statewide nomination.

(b) Of not fewer than 500 electors of the congressional district for which the nomination for Representative in Congress is made.

(c) Of not fewer than 250 electors of the county or any other district for which the nomination is made.

(2) An assembly of electors shall nominate candidates at a nominating convention. The convention shall be held in one day and last not longer than 12 hours. The signature, printed name and residence mailing address of each member of the assembly shall be recorded at the convention and entered of record in the minutes by the secretary of the assembly. Not less than the minimum number of electors required to constitute an assembly of electors shall have recorded their signatures in the minutes of the assembly and must be present when the assembly nominates a candidate. The candidate receiving the highest number of votes of the assembly for the office shall be the nominee of the assembly.

(3) Not later than the 10th day before the meeting of an assembly of electors, notice shall be published at least once in not less than three newspapers of general circulation within the electoral district for which the nomination will be made. The notice shall contain the time and place the assembly will meet, the office or offices for which nominations will be made, and the names and addresses of not fewer than 25 electors qualified to vote in the assembly who desire that it be held.

(4) Proof of publication of notice in subsection (3) of this section shall be made by affidavit of the owner, editor, publisher, manager, advertising manager, principal clerk of any of them, or the printer or printer's foreman of the newspaper in which the notice is published. The affidavit shall show publication and shall be filed with the filing officer with the certificate of nomination.

(5) Not later than the 10th day before the meeting of an assembly of electors, a copy of the notice under subsection (3) of this section shall be delivered to the filing officer who will supervise the conduct of the nominating convention.

(6) The presiding officer of an assembly of electors shall deliver the signatures of assembly members entered in the minutes to the appropriate county clerks of the counties in which the assembly members live. The signatures shall be certified by the appropriate county clerk under ORS 249.008. A copy of the minutes, certified by the secretary of the assembly, and the certificate of the county clerk shall be filed with the filing officer with the certificate of nomination. [Formerly 249.715; 1983 c.514 §7; 1983 c.567 §9; 1985 c.808 §18]

249.737 Filing officer for nomination by assembly of electors. (1) The filing officer for the office for which nominations will be considered by an assembly of electors shall supervise the conduct of the nominating convention. The filing officer shall insure that when the assembly of electors makes a nomination, the number of electors required to be present at the nominating convention for the purpose of constituting an assembly is at least equal to each of the following:

(a) The number of signatures of assembly members in the minutes of the assembly.

(b) The number of electors present at the nominating convention.

(2) If an assembly of electors will consider nominations for an office for which the Secretary of State is the filing officer and an office for which the county clerk or chief city elections officer is the filing officer, the Secretary of State shall be the supervising officer under subsection (1) of this section.

(3) If an assembly of electors will consider nominations for an office for which the county clerk is the filing officer and an office for which the chief city elections officer is the filing officer, the county clerk shall be the supervising officer under subsection (1) of this section. [1983 c.567 §11]

(Nomination by Individual Electors)

249.740 Certificates of nomination made by individual electors; statement regarding payment of petition circulators; verification of signatures. (1) A certificate of nomination made by individual electors shall contain a number of signatures of electors in the electoral district equal to the following percentage of the total votes cast in the electoral district for which the nomination is intended to be made, for all candidates for presidential electors at the last general election:

(a) For an office to be voted for in the state at large or for Representative in Congress, not less than three percent.

(b) For any other office, not less than five percent.

(2) Each elector signing a certificate of nomination made by individual electors shall include the residence mailing address of the elector. Except for a certificate of nomination of candidates for electors of President and Vice President of the United States, a certificate of nomination made by individual electors shall contain the name of only one candidate.

(3) Before beginning to circulate the certificate of nomination, the chief sponsor of the certificate shall file a signed copy of the prospective certificate with the filing officer referred to in ORS 249.722. The chief sponsor of the certificate shall include with the prospective certificate a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the certificate. After the prospective certificate is filed, the chief sponsor shall notify the filing officer not later than the 10th day after the chief sponsor first has knowledge or should have had knowledge that:

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

(b) No person is being paid for obtaining signatures, when the statement included with the prospective certificate declared that one or more such persons would be paid.

(4) The signatures contained in each certificate of nomination made by individual

electors shall be certified for genuineness by the county clerk under ORS 249.008.

(5) As used in this section, "prospective certificate" means the information, except signatures and other identification of certificate signers, required to be contained in a completed certificate of nomination. [Amended by 1955 c.169 §5; 1957 c.608 §112; 1971 c.152 §1; 1977 c.829 §10; 1979 c.190 §131; 1983 c.756 §7]

249.750 [Amended by 1957 c.608 §113; 1979 c.190 §100; renumbered 249.013]

249.760 [Amended by 1979 c.190 §126; renumbered 249.712]

249.770 [Amended by 1957 c.608 §114; 1971 c.749 §79; 1977 c.324 §4; repealed by 1979 c.190 §431]

249.780 [Amended by 1957 c.608 §115; 1961 c.49 §2; 1971 c.749 §80; 1977 c.324 §5; repealed by 1979 c.190 §431]

249.790 [Amended by 1977 c.829 §11; repealed by 1979 c.190 §431]

(Register of Nominations)

249.810 Entries in register of nominations upon filing certificates. (1) Immediately after each certificate of nomination is filed, the filing officer shall enter in the register of nominations:

(a) The date the certificate was filed.

(b) The name of each candidate.

(c) The office for which the candidate is nominated.

(d) When applicable, the name of the minor political party or identification of the assembly of electors making the nomination, and the names of the chairman and secretary certifying it.

(e) If the certificate of nomination is made by individual electors, the total number of certified signatures contained in the certificate.

(2) As soon as an acceptance or withdrawal of a candidate is filed with a filing officer, it shall be entered in the register of nominations. [Amended by 1957 c.608 §116; 1979 c.190 §132]

249.820 [Repealed by 1979 c.190 §431]

(Withdrawals; Filling Vacancies)

249.830 Procedure for withdrawing a nomination. Any person who has been nominated and has accepted the nomination under ORS 249.712 may withdraw from nomination not later than the 67th day before the general election by filing with the officer with whom the certificate of nomination was filed a written statement declining the nomination and stating the reason for withdrawal. The statement shall be signed and acknowledged by the candidate before a notary public. The withdrawal may be sent to the Secretary of State through a county clerk, as provided by ORS 249.850. [Amended by 1957 c.608 §117; 1967 c.86 §1; 1979 c.190 §133]

249.840 [Amended by 1957 c.608 §118; repealed by 1979 c.190 §431]

249.842 Filling vacancy in nomination.

(1) Subject to subsection (4) of this section, before the date of the general election, a vacancy in a nomination made by a minor political party or assembly of electors may be filled by:

(a) Reconvening the party or assembly that made the original nomination to select a new nominee; or

(b) A committee to whom the party or assembly at its convention delegated the authority to fill vacancies.

(2) An assembly of electors may reconvene under subsection (1) of this section only at the call of the chairman of the original assembly. An assembly will be considered the assembly that made the original nomination if the chairman and secretary are the same as those of the original assembly.

(3) Subject to subsection (4) of this section, before the date of the general election, a vacancy in a nomination made by individual electors may be filled by filing a new certificate of nomination. The certificate of nomination to fill the vacancy shall conform with the requirements of ORS 249.720 and 249.740.

(4) The Secretary of State by rule may adopt a schedule specifying the period after a vacancy in a nomination occurs within which a certificate of nomination filling the vacancy must be filed. [1979 c.190 §134; 1985 c.808 §19]

249.850 Filing of certificate to fill vacancy in nomination; notifying proper officials to make changes in general election ballots. (1) The certificate of nomination to fill the vacancy under ORS 249.842, may be filed directly with the officer with whom the certificate of nomination of the original candidate was filed, or it may be presented in duplicate to any county clerk who shall file one of the certificates in the clerk's office, immediately notify the appropriate filing officer of the nomination and send the duplicate certificate to the officer by the most expeditious method practicable.

(2) Upon receipt of notification that a vacancy has been filled, the filing officer shall certify the name of the person selected to fill the vacancy to be included on the ballot. If the certification of candidates has already been sent to the county clerk, the Secretary of State or city filing officer immediately shall give written certification of the new candidate to each county clerk responsible for preparing ballots on which the office will appear. The certification shall state the name and residence of the candidate nominated to fill the vacancy, the office

for which the nomination was made, the name of the minor political party the candidate represents or the name of the chairman of the assembly nominating the candidate, and the name of the person for whom the candidate is substituted. Upon receipt of the certification, the county clerk shall place the new candidate's name on the ballot. (Amended by 1957 c.608 §119; 1975 c.675 §19; 1979 c.190 §135)

249.860 [1963 c.176 §4; repealed by 1979 c.190 §431]

RECALL OF PUBLIC OFFICER

249.865 Filing prospective petition; contents of petition; statement regarding payment of petition circulators; effect of violation. (1) Pursuant to section 18, Article II of the Oregon Constitution, an elector of the electoral district from which the public officer is elected may file a petition demanding the recall of the public officer. Before the petition is circulated for signatures, the chief petitioner of the petition shall file with the officer authorized to order the recall election:

(a) A copy of the prospective petition signed by the chief petitioner;

(b) A statement of organization conforming to ORS 260.042 of the political committee the chief petitioner represents, if any; and

(c) A statement conforming to ORS 260.083 of contributions received and expenditures made by or on behalf of the chief petitioner and political committee the chief petitioner represents, if any, to the date of filing the prospective petition.

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

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

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.

(3) Each sheet of the recall petition shall contain:

(a) The words "Petition for recall of," (name and title of officer) and the date of the filing under subsection (1) of this section; and

(b) The name and address of the treasurer of the political committee the chief

petitioner represents, or if there is not a political committee, the name and address of the chief petitioner.

(4) Not more than 20 signatures on each sheet of the recall petition shall be counted. Each sheet of the recall petition shall be verified on its face by the circulator's signed statement that the individuals signed the sheet in the presence of the circulator and that the circulator believes each individual is an elector.

(5) Any intentional or willful violation of subsection (1) or (2) of this section by a chief petitioner of the recall petition or by the treasurer of the political committee the chief petitioner represents, if any, shall invalidate the prospective petition before it is circulated for signatures. (1979 c.190 §136; 1981 c.142 §2; 1981 c.173 §26; 1983 c.756 §8; 1985 c.471 §7; 1987 c.210 §1)

249.870 Number of signers on recall petition. The requisite number of signers on a recall petition is 15 percent of the total votes cast in the electoral district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term. (Formerly 254.450; 1981 c.173 §27; 1985 c.608 §22)

249.875 Time for completing filing; verification of signatures. (1) A recall petition shall be void unless completed and filed not later than the 100th day after filing the prospective petition described in ORS 249.865. Not later than the 90th day after filing the prospective petition the petition shall be submitted to the filing officer who shall verify the signatures not later than the 10th day after the submission. The filed petition shall contain only original signatures. A recall petition shall not be accepted for signature verification if it contains less than 100 percent of the required number of signatures. The petition shall not be accepted for filing until 100 percent of the required number of signatures of electors have been verified.

(2) The provisions for verification of signatures on an initiative or referendum petition contained in ORS 250.105, are applicable to the verification of signatures on a recall petition. (Formerly 254.420; 1989 c.68 §4; 1991 c.719 §9)

249.876 Elector may not remove signature after petition submitted for verification. After a recall petition is submitted for signature verification, no elector who signed the petition may remove the signature of the elector from the petition. (1985 c.608 §21)

249.877 Statement of justification by public officer. (1) A public officer against whom a recall petition has been filed may submit to the filing officer, in not more than 200 words, a statement of justification of the public officer's course in office. The state-

ment must be filed not later than the fifth day after the recall petition is filed.

(2) The county clerk shall have the statement printed on the official and sample ballots for the recall election. (1983 c.514 §76)

249.880 [Formerly 254.460; 1985 c.808 §23; repealed by 1987 c.210 §3]

249.990 [Repealed by 1979 c.190 §431]

Chapter 250

1991 EDITION

Initiative and Referendum

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ELECTIONS

GENERAL PROVISIONS

250.005 Definitions. As used in this chapter:

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

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

(3) "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.

(4) "Prospective petition" means the information, except signatures and other identification of petition signers, required to be contained in a completed petition. [1979 c.190 §140; 1983 c.392 §3]

250.010 [Amended by 1957 c.608 §120; repealed by 1979 c.190 §431]

250.015 Form of petition; numbering of signature sheets. The Secretary of State by rule shall:

(1) Design the form of the prospective petition, and the initiative and the referendum petition, including the signature sheets, to be used in any initiative or referendum in this state.

(2) Designate the quality of paper to be used for signature sheets in order to assure the legibility of the signatures.

(3) Prescribe by rule a system for numbering the signature sheets to be used in any initiative or referendum in this state. [1979 c.190 §141; 1979 c.345 §1; 1981 c.909 §1; 1989 c.64 §5]

250.020 [Amended by 1957 c.608 §121; 1961 c.121 §4; 1979 c.190 §232; 1979 c.519 §17; renumbered 254.085]

250.025 Qualifications for signers of petition; removal of signatures. (1) Any elector may sign an initiative or referendum petition for any measure on which the elector is entitled to vote.

(2) After an initiative or referendum petition is submitted for signature verification, no elector who signed the petition may remove the signature of the elector from the petition. [Formerly 254.160; 1985 c.808 §24]

250.030 [Amended by 1957 c.608 §122; 1961 c.121 §5; 1979 c.190 §233; 1979 c.317 §8a; 1979 c.519 §18a; renumbered 254.095]

250.035 Form of ballot title. (1) The ballot title of any measure to be initiated or referred shall consist of:

(a) A caption of not more than 10 words which reasonably identifies the subject of the measure;

(b) A question of not more than 20 words which plainly phrases the chief purpose of the measure so that an affirmative response to the question corresponds to an affirmative vote on the measure; and

(c) A concise and impartial statement of not more than 85 words summarizing the measure and its major effect.

(2) The ballot title shall not resemble, so far as probably to create confusion, any title previously filed for a measure to be submitted at that election. [1979 c.190 §143; 1979 c.675 §1; 1985 c.405 §1; 1987 c.556 §1; 1987 c.875 §1]

Note: Section 11, chapter 396, Oregon Laws 1991, provides:

Sec. 11. Form of ballot title for measure proposing new or increased tax before January 1, 1991.

(1) As used in this section, "unit of local government" has the meaning given the term in section 3 of this 1991 Act [310.181].

(2) Notwithstanding ORS 250.035, the ballot explanation for a measure proposing a new or increased tax shall contain a statement that indicates whether or not, pursuant to section 11b, Article XI, Oregon Constitution, and implementing legislation, the proposed tax measure would reduce property tax collections for other units of local government. The statement shall not be considered a part of the ballot explanation for purposes of determining if the explanation exceeds the 85-word limitation of ORS 250.035.

(3) This section applies to measures submitted to the electors for approval or rejection at an election held on or after the September 29, 1991, and before January 1, 1994. [1991 c.396 §11]

250.037 Form of ballot title for measure requesting approval of certain bonds.

(1) The ballot title of any measure requesting elector approval of bonds, the principal and interest on which will be payable from taxes imposed on property or property ownership that are not subject to the limitations of section 11b, Article XI of the Oregon Constitution, shall contain, in addition to the matters required by ORS 250.035, the following statement immediately after the ballot title question and appearing with it, in this manner:

Question: (herein the question is stated) If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of section 11b, Article XI of the Oregon Constitution.

(2) The words of the statement required by subsection (1) of this section shall not be

counted for purposes of ORS 250.035. [1991 c.902 §119]

Note: 250.037 was added to and made a part of ORS chapter 250 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

250.039 Readability test for ballot title. For all measures, the Secretary of State by rule shall designate a test of readability and adopt a standard of minimum readability for a ballot title. The ballot title shall comply with the standard to the fullest extent practicable consistent with the requirements of impartiality, conciseness and accuracy. [Formerly ORS 250.055]

250.040 [Repealed by 1957 c.608 §231]

250.041 Applicability of ORS 250.005 to 250.039 to counties and cities. ORS 250.005 to 250.039 apply to the exercise of initiative or referendum powers:

(1) Regarding a county measure, regardless of anything to the contrary in the county charter or ordinance.

(2) Regarding a city measure, regardless of anything to the contrary in the city charter or ordinance. [1983 c.514 §11]

250.043 Acceptance of initiative or referendum petition without original signatures. (1) Notwithstanding ORS 250.105, 250.215, 250.315 and 255.175, an initiative or referendum petition for which original signatures are otherwise required may be accepted by the appropriate filing officer for signature verification with photographic copies of one or more signature sheets if:

(a) The signature sheets containing the original signatures were stolen or destroyed by fire, a natural disaster or other act of God; and

(b) The photographic copy of each original signature sheet contains the number of the original signature sheets prescribed by the Secretary of State under ORS 250.015.

(2) As used in this section:

(a) "Act of God" means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.

(b) "Filing officer" means the Secretary of State in the case of an initiative or referendum petition relating to a state measure, the county clerk in the case of an initiative or referendum petition relating to a county measure, the city elections officer in the case of an initiative or referendum petition relating to a city measure and the election officer as defined in ORS 255.005 in the case of an initiative or referendum petition relating to a district measure. [1989 c.68 §13]

STATE MEASURES

250.045 Submitting prospective petition; form of petition; statement regarding payment of petition circulators. (1) Before circulating a petition to initiate or refer a state measure under section 1, Article IV, Oregon Constitution, the petitioner shall file with the Secretary of State a prospective petition. The prospective petition for a state measure to be initiated shall contain a statement of sponsorship signed by at least 25 electors. The signatures in the statement of sponsorship must be accompanied by a certificate of the county clerk of each county in which the electors who signed the statement reside, stating the number of signatures believed to be genuine. The Secretary of State shall date and time stamp the prospective petition and specify the form on which the petition shall be printed for circulation. The secretary shall retain the prospective petition.

(2) The chief petitioner may amend the proposed initiated measure filed with the Secretary of State without filing another prospective petition, if:

(a) The Attorney General certifies to the Secretary of State that the proposed amendment will not substantially change the substance of the measure; and

(b) The deadline for submitting written comments on the draft title has not passed.

(3) An initiative or referendum petition shall designate the name and residence address of not more than three persons as chief petitioners. The cover of a referendum petition shall contain the title described in ORS 250.065 (1). If a petition seeking a different ballot title is not filed with the Supreme Court by the deadline for filing a petition under ORS 250.085, the cover of an initiative petition shall contain the ballot title described in ORS 250.067 (2). However, if the Supreme Court has reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the court.

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

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

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.

(5) Each sheet of signatures on an initiative petition shall contain the caption of the ballot title and the disclosure required by subsection (4) of this section. Each sheet of signatures on a referendum petition shall contain the subject expressed in the title of the Act to be referred and the disclosure required by subsection (4) of this section. The Secretary of State by rule shall adopt a method of designation to distinguish signature sheets of referendum petitions containing the same subject reference and being circulated during the same period. Each sheet of signatures shall be attached to a full and correct copy of the measure to be initiated or referred. Each sheet of signatures shall contain only the signatures of electors of one county.

(6) The reverse side of the cover of an initiative or referendum petition and both sides of a signature sheet may be used for obtaining signatures on an initiative or referendum petition. If both sides of a signature sheet are used, each side shall contain the information required on a signature sheet under subsection (5) of this section.

(7) Not more than 20 signatures on the cover or on each side of each sheet of the initiative or referendum petition shall be counted. The cover of the initiative or referendum petition, if the cover is used to gather signatures, and each signature sheet of the initiative or referendum petition shall be verified on its face by the signed statement of the circulator that the individuals signed the cover or sheet in the presence of the circulator and that the circulator believes each individual is an elector. If both sides of a signature sheet are used for obtaining signatures, each side shall be verified by the circulator. [1979 c.190 §14; 1979 c.345 §2; 1981 c.909 §2; 1983 c.514 §8; 1983 c.756 §9; 1985 c.447 §1; 1985 c.808 §25; 1987 c.519 §1; 1989 c.959 §3]

250.050 [Repealed by 1957 c.608 §231]

250.055 [1979 c.675 §3; 1981 c.145 §1; renumbered 250.039]

250.060 [Repealed by 1957 c.608 §231]

250.065 Preparation of ballot title for certain measures. (1) When a prospective petition for a state measure to be referred is filed with the Secretary of State, the secretary shall authorize the circulation of the petition using the final measure summary of the measure in lieu of the ballot title. After the referendum petition has been filed containing the required number of verified signatures, the Secretary of State immediately shall send two copies of the prospective petition to the Attorney General.

(2) When an approved prospective petition for a state measure to be initiated is filed with the Secretary of State, the secretary immediately shall send two copies of it to the Attorney General.

(3) Not later than the fifth business day after receiving the copies of the prospective petition for a state measure to be initiated, the Attorney General shall provide a draft ballot title for the state measure to be initiated and return one copy of the prospective petition and the ballot title to the Secretary of State.

(4) Not later than the 10th business day after receiving the copies of the prospective petition for a state measure to be referred, the Attorney General shall provide a draft ballot title for the state measure to be referred and return one copy of the prospective petition and the draft ballot title to the Secretary of State. [Formerly 254.055; 1985 c.447 §2]

250.067 Notice of draft ballot title; written comments; certification of title.

(1) The Secretary of State, upon receiving a draft ballot title from the Attorney General under ORS 250.065 or 250.075, shall provide reasonable statewide notice of having received the draft ballot title and of the public's right to submit written comments as provided in this section. Written comments concerning a draft ballot title shall be submitted to the Secretary of State not later than the 10th business day after the Secretary of State receives the draft title from the Attorney General. The Secretary of State immediately shall send a copy of all written comments to the Attorney General and shall maintain a record of written comments received.

(2) The Attorney General shall consider any written comments submitted under subsection (1) of this section and shall certify to the Secretary of State either the draft ballot title or a revised ballot title not later than the fifth business day after receiving the comments from the Secretary of State. If no written comments are submitted to the Secretary of State, the Attorney General shall certify the draft ballot title not later than the 15th business day after the Secretary of State receives the draft title from the Attorney General. The Secretary of State shall furnish the chief petitioner with a copy of the ballot title.

(3) Unless the Supreme Court certifies a different ballot title, the ballot title provided by the Attorney General under subsection (2) of this section shall be the title printed in the voters' pamphlet and on the ballot.

(4) If a petition for review of a ballot title is filed with the Supreme Court as provided in ORS 250.085, the Secretary of State shall

file with the Supreme Court a copy of the written comments received as part of the record on review of the ballot title.

(5) The Secretary of State by rule shall specify the means for providing reasonable statewide notice for submitting comments on a draft ballot title. [1985 c.447 §5; 1989 c.503 §5]

250.070 [Amended by 1957 c.608 §123; 1961 c.121 §6; 1979 c.190 §234; renumbered 254.107]

250.075 Legislature may prepare ballot titles for certain measures. (1) When the Legislative Assembly refers a measure to the people, a ballot title for the measure may be prepared by the assembly. The ballot title shall be filed with the Secretary of State when the measure is filed with the Secretary of State.

(2) If the title is not prepared under subsection (1) of this section, when the measure is filed with the Secretary of State, the secretary shall send two copies of the referred measure to the Attorney General. Not later than the 30th day after the Legislative Assembly adjourns, the Attorney General shall provide a draft ballot title for the measure. The Attorney General shall send a copy of the draft ballot title to each member of the Legislative Assembly, and file with the Secretary of State a copy of it and a certificate of mailing to each member. [Formerly 251.073; 1985 c.447 §3]

250.080 [Amended by 1979 c.190 §242; renumbered 254.185]

250.085 Procedure for elector dissatisfied with title of state measure. (1) Any elector dissatisfied with a ballot title prepared by the Legislative Assembly for a measure referred to the people by the assembly and filed with the Secretary of State may petition the Supreme Court seeking a different title. The petition shall state the reasons the title filed with the Secretary of State does not substantially comply with the requirements of ORS 250.035 and 250.039.

(2) Any elector dissatisfied with a ballot title for an initiated or referred measure certified by the Attorney General and who timely submitted written comments on the draft ballot title may petition the Supreme Court seeking a different title. The petition shall state the reasons the title filed with the Secretary of State does not substantially comply with the requirements of ORS 250.035 and 250.039.

(3) The petition must be filed:

(a) Not later than the 10th business day after the Attorney General certifies a ballot title to the Secretary of State; or

(b) If the title is provided by the Legislative Assembly under ORS 250.075, not later than the 10th business day after the Legisla-

tive Assembly files the ballot title with the Secretary of State.

(4) The court shall review the title for substantial compliance with the requirements of ORS 250.035 and 250.039, and shall certify a title meeting this standard to the Secretary of State.

(5) When reviewing a title prepared by the Attorney General, the court shall not consider arguments concerning the ballot title not presented in writing to the Secretary of State unless the court determines that the argument concerns language added to or removed from the draft title after expiration of the comment period provided in ORS 250.067.

(6) The review by the Supreme Court shall be conducted expeditiously to insure the orderly and timely circulation of the petition or conduct of the election at which the measure is to be submitted to the electors. [Formerly 254.077; 1983 c.514 §9; 1985 c.447 §6; 1987 c.519 §2; 1989 c.503 §6]

250.090 [Amended by 1957 c.608 §124; 1979 c.190 §243; renumbered 254.195]

250.095 State measures affecting a county or district. A law enacted by the Legislative Assembly relating only to a county or district may be referred by the Legislative Assembly or by petition to the people of the county or district. The percentage of signatures required under section 1, Article IV, Oregon Constitution, for a referendum petition filed under this section shall be based on the vote for Governor within the county or district. [1979 c.190 §148]

250.100 [Repealed by 1957 c.608 §231]

250.105 Filing officer; filing requirements; signature verification. (1) An initiative or referendum petition relating to a state measure shall be filed with the Secretary of State for the purpose of verifying whether the petition contains the required number of signatures of electors. The filed petition shall contain only original signatures. Each petition shall be verified in the order in which the petitions are filed with the secretary.

(2) An initiative or referendum petition relating to a state measure shall not be accepted for filing if it contains less than 100 percent of the required number of signatures.

(3) If an initiative or referendum petition is submitted not less than 165 days before the election at which the proposed measure is to be voted upon and if the Secretary of State determines that insufficient signatures have been submitted but the deadline for filing the petition has not passed, the petitioners may submit additional signatures.

(4) The Secretary of State by rule shall designate a statistical sampling technique to verify whether a petition contains the re-

qured number of signatures of electors. A petition shall not be rejected for the reason that it contains less than the required number of signatures unless two separate sampling processes both establish that the petition lacks the required number of signatures. The second sampling must contain a larger number of signatures than the first sampling.

(5) The Secretary of State may employ professional assistance to determine the sampling technique. [1979 c.190 §149; 1945 c.447 §7; 1949 c.68 §6]

250.110 [Amended by 1953 c.632 §6; 1957 c.608 §126; 1961 c.170 §2; subsection (7) enacted as 1967 c.26 §4; 1977 c.508 §6; 1979 c.190 §237; renumbered 254.135]

250.115 Numbering measures. (1) The Secretary of State shall number the measures to be voted on in the state at large consecutively, beginning with number one, in the order in which the measures are filed with the secretary.

(2) The Secretary of State shall number state measures not referred to under subsection (1) of this section consecutively, beginning with the number after the last number assigned under subsection (1) of this section, in the order in which the measures are filed with the secretary. [1979 c.190 §150]

250.120 [Amended by 1953 c.632 §6; repealed by 1957 c.608 §231]

250.121 [1957 c.608 §130; 1961 c.68 §2; 1979 c.190 §244; renumbered 254.205]

250.125 Estimate of financial impact of state measures. (1) When a state measure involves expenditure of public money by the state, reduction of expenditure of public money by the state, reduction of state revenues or raising of funds by the state by imposing any tax or incurring any indebtedness, the Secretary of State, the State Treasurer, the Director of the Executive Department and the Director of the Department of Revenue shall estimate the amount of direct expenditure, direct reduction of expenditure, direct reduction in state revenues, direct tax revenue or indebtedness and interest which will be required to meet the provisions of the measure if it is enacted. The estimate shall state the recurring annual amount involved or, if the measure does not involve a recurring annual amount, the total amount.

(2) The officials named in subsection (1) of this section shall also estimate the aggregate amount of direct expenditure, direct reduction of expenditure, direct reduction in revenues, direct tax revenue or indebtedness and interest which will be required by all cities, counties and districts to meet the provisions of the measure.

(3) The estimates shall be printed in the voters' pamphlet and on the ballot unless the

measure involves only state agency expenses not exceeding \$100,000 per year.

(4) If the officials named in subsection (1) of this section determine that the measure, if it is enacted, will have no financial effect except as described in subsection (3) of this section, the words "no financial effect" shall be printed in the voters' pamphlet and on the ballot. [Formerly 254.180; 1947 c.724 §6; 1991 c.971 §11]

250.127 Preparation and filing of estimates of financial impact of state measure. (1) Not later than the 100th day before a special election held on the date of a primary election or any general election at which any state measure is to be submitted to the people, the officials named in ORS 250.125 shall prepare and file with the Secretary of State, estimates as described in ORS 250.125.

(2) Not sooner than the 100th nor later than the 95th day before the election, the Secretary of State shall hold a hearing in Salem upon reasonable statewide notice to receive suggested changes to the estimates. At the hearing any person may submit suggested changes orally or in writing. Written suggestions also may be submitted at any time before the hearing.

(3) The officials named in ORS 250.125 shall consider suggestions submitted under subsection (2) of this section, and may file revised estimates with the Secretary of State not later than the 90th day before the election.

(4) Except as provided in subsection (5) of this section, the original estimates and any revised estimates shall be approved by at least three of the officials named in ORS 250.125. If an official does not concur, the estimates shall show only that the official dissents. The Secretary of State shall certify final estimates not later than the 90th day before the election at which the measure is to be voted upon. All estimates prepared under ORS 250.125 and this section shall be made available to the public.

(5) If three of the officials named in ORS 250.125 do not approve the estimates, the Secretary of State alone shall prepare, file and certify the estimates not later than the 88th day before the election at which the measure is to be voted upon with the data upon which it is based.

(6) The support or opposition of any official named in ORS 250.125 to the original or revised estimates shall be indicated in the minutes of any meeting of the officials. Meetings of the officials shall be open to the public. Designees of the officials named in ORS 250.125 may attend any meetings of the officials in the place of the officials, but the

designees may not vote to approve or oppose any estimates.

(7) A failure to prepare, file or certify estimates under ORS 250.125, this section or ORS 250.131 shall not prevent the inclusion of the measure in the voters' pamphlet or placement of the measure on the ballot. [1991 c.971 §3]

250.130 [Repealed by 1957 c.608 §231]

250.131 Court review of procedures under which estimates of financial impact of state measure were prepared. (1) Any person alleging that an estimate required under ORS 250.125 was prepared, filed or certified in violation of the procedures specified in ORS 250.125 or 250.127 may petition the Supreme Court seeking that the required procedures be followed and stating the reasons the estimate filed with the court does not satisfy the required procedures. No petition shall be allowed concerning the amount of the estimate or regarding whether an estimate should be prepared.

(2) If the petition is filed not later than the 85th day before the election at which the measure is to be voted upon, the court shall review the procedures under which the estimate was prepared, filed and certified, hear arguments and determine whether the procedures required under ORS 250.125 and 250.127 were satisfied. The review by the Supreme Court shall be conducted expeditiously to insure the orderly and timely conduct of the election at which the measure is to be submitted to the electors.

(3) If the court determines that the procedures described in ORS 250.125 and 250.127 were not satisfied, the court shall order the preparation of a second estimate, to be prepared, filed and certified as provided in ORS 250.125 and 250.127 except that:

(a) The officials named in ORS 250.125 shall prepare and file with the Secretary of State an estimate not later than two days following the decision of the court;

(b) A hearing shall be held within two days after the estimate is filed; and

(c) An estimate shall be certified not later than seven days after the decision of the court. The procedures under which the second estimate is filed and certified may not be appealed. [1991 c.971 §4]

250.135 Retention of petition materials. The Secretary of State shall retain the signature sheets of a filed initiative or referendum petition with a copy of the state measure. If the measure is approved by the people, the signature sheets and copy of the measure shall be bound with a certified copy of the Governor's proclamation declaring the measure approved. A copy of the measure

and the Governor's proclamation shall be preserved as a permanent public record. The signature sheets shall be preserved for six years. [1979 c.190 §152]

250.140 [Amended by 1957 c.608 §127; repealed by 1979 c.190 §431]

250.145 [1953 c.58 §1; 1955 c.52 §1; 1969 c.104 §1; repealed by 1979 c.190 §431]

250.150 [Amended by 1957 c.608 §128; 1961 c.74 §2; 1967 c.340 §2; 1979 c.190 §245; renumbered 254.215]

COUNTY MEASURES

250.155 Application of subchapter. (1) ORS 250.165 to 250.235 carry out the provisions of section 10, Article VI, Oregon Constitution, and shall apply to the exercise of initiative or referendum powers regarding a county measure, unless the county charter or ordinance provides otherwise.

(2) ORS 250.165 to 250.235 applies to the exercise of initiative or referendum powers regarding a county measure in a county that has not adopted a charter under section 10, Article VI, Oregon Constitution. [1979 c.190 §153]

250.160 [Repealed by 1957 c.608 §231]

250.161 [1957 c.608 §131; 1979 c.190 §240; renumbered 254.165]

250.165 Submitting prospective petition; form of petition; statement regarding payment of petition circulators; annual statement. (1) Before circulating a petition to initiate or refer a county measure, the petitioner shall file with the county clerk a prospective petition. The county clerk immediately shall date and time stamp the prospective petition, and specify the form on which the petition shall be printed for circulation. The clerk shall retain the prospective petition.

(2) An initiative or referendum petition shall designate the name and residence address of not more than three persons as chief petitioners. The cover of a referendum petition shall contain the title described in ORS 250.175 (1). If the circuit court has not reviewed the ballot title under ORS 250.195, the cover of an initiative petition shall contain the ballot title described in ORS 250.175 (3). If the circuit court has reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the court.

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

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

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.

(4) Each sheet of signatures on an initiative petition shall contain the caption of the ballot title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance or resolution to be referred, if any, and the date it was adopted by the county governing body. Each sheet of signatures shall be attached to a full and correct copy of the measure to be initiated or referred.

(5) The reverse side of the cover of an initiative or referendum petition and both sides of a signature sheet may be used for obtaining signatures on an initiative or referendum petition. If both sides of a signature sheet are used, each side shall contain the information required on a signature sheet under subsection (4) of this section.

(6) Not more than 20 signatures on the cover or on each side of each sheet of the initiative or referendum petition shall be counted. The cover of the initiative or referendum petition, if the cover is used to gather signatures, and each signature sheet shall be verified on its face by the signed statement of the circulator that the individuals signed the cover or sheet in the presence of the circulator and that the circulator believes each individual is an elector registered in the county.

(7) If the gathering of signatures exceeds the period of one year from the time the petition is approved for circulation, any of the chief petitioners, on or before the anniversary of approval of the petition for circulation:

(a) Shall file annually, with the county clerk, a statement that the initiative petition is still active; and

(b) May submit to the county clerk for verification any signatures gathered on the petition in the preceding year.

(8) Not later than 30 days before the date that the chief petitioners must file a statement and submit signatures under subsection (7) of this section, the county clerk shall notify the chief petitioners in writing of the requirements of subsection (7) of this section. The notice shall be sent by certified mail, return receipt requested.

(9) A county clerk shall not accept for filing any petition which has not met the provisions of subsection (7) of this section.

[1979 c.190 §154; 1981 c.509 §3; 1983 c.756 §10; 1991 c.106 §11]

250.168 One subject determination; notice; appeal. (1) Not later than the fifth business day after receiving a prospective petition for an initiative measure, the county clerk shall determine in writing whether the initiative measure meets the requirements of section 1 (2)(d), Article IV of the Oregon Constitution.

(2) If the county clerk determines that the initiative measure meets the requirements of section 1 (2)(d), Article IV of the Oregon Constitution, the clerk shall proceed as required in ORS 250.175. The clerk shall include in the publication required under ORS 250.175 (5) a statement that the initiative measure has been determined to meet the requirements of section 1 (2)(d), Article IV of the Oregon Constitution.

(3) If the county clerk determines that the initiative measure does not meet the requirements of section 1 (2)(d), Article IV of the Oregon Constitution, the clerk shall immediately notify the petitioner, in writing by certified mail, return receipt requested, of the determination.

(4) Any elector dissatisfied with a determination of the county clerk under subsection (1) of this section may petition the circuit court of the judicial district in which the county is located seeking to overturn the determination of the clerk. If the elector is dissatisfied with a determination that the initiative measure meets the requirements of section 1 (2)(d), Article IV of the Oregon Constitution, the petition must be filed not later than the seventh business day after the ballot title is filed with the clerk. If the elector is dissatisfied with a determination that the initiative measure does not meet the requirements of section 1 (2)(d), Article IV of the Oregon Constitution, the petition must be filed not later than the seventh business day after the written determination is made by the clerk.

(5) The review by the circuit court shall be the first and final review, and shall be conducted expeditiously to insure the orderly and timely circulation of the petition. [1991 c.719 §34]

250.170 [Repealed by 1957 c.608 §231]

250.175 Preparation of ballot title for certain measures; notice. (1) When a prospective petition for a county measure to be referred is filed with the county clerk, the clerk shall authorize the circulation of the petition containing the title of the measure as enacted by the county governing body or, if there is no title, the title supplied by the petitioner filing the prospective petition. The county clerk immediately shall send two

copies of the prospective petition to the district attorney.

(2) Not later than the sixth business day after a prospective petition for a county measure to be initiated is filed with the county clerk, the clerk shall send two copies of it to the district attorney if the measure to be initiated has been determined to be in compliance with section 1 (2)(d), Article IV of the Oregon Constitution, as provided in ORS 250.168.

(3) Not later than the fifth business day after receiving the copies of the prospective petition, and notwithstanding ORS 203.145 (3), the district attorney shall prepare a ballot title for the county measure to be initiated or referred and return one copy of the prospective petition and the ballot title to the county clerk. Unless the circuit court certifies a different title, this ballot title shall be the title printed on the ballot.

(4) A copy of the ballot title shall be furnished to the chief petitioner.

(5) The county clerk, upon receiving a ballot title for a county measure to be referred or initiated from the district attorney or the county governing body, shall publish in the next available edition of a newspaper of general circulation in the county a notice of receipt of the ballot title including notice that an elector may file a petition for review of the ballot title not later than the date referred to in ORS 250.195. [1975 c.190 §155; 1983 c.567 §12; 1985 c.808 §26; 1987 c.707 §8; 1991 c.719 §21]

250.180 [Repealed by 1957 c.608 §231]

250.185 County governing body may prepare ballot titles for certain measures.

(1) When the county governing body refers a measure to the people, a ballot title for the measure may be prepared by the body. The measure and the ballot title prepared under this subsection shall be filed at the same time with the county clerk.

(2) If the title is not prepared under subsection (1) of this section, when the measure is filed with the county clerk, the clerk shall send two copies to the district attorney. Not later than the fifth business day after receiving the copies the district attorney shall provide a ballot title for the measure and send a copy of it to the county governing body and the county clerk. [1979 c.190 §156; 1983 c.15 §3; 1985 c.808 §27]

250.190 [Amended by 1957 c.608 §132; repealed by 1979 c.190 §431]

250.195 Procedure for elector dissatisfied with title of county measure. (1) Any elector dissatisfied with a ballot title filed with the county clerk by the district attorney or the county governing body, may petition the circuit court of the judicial district in which the county is located seeking a dif-

ferent title and stating the reasons the title filed with the court is insufficient, not concise or unfair. The petition must be filed not later than the seventh business day after the title is filed with the county clerk. The court shall review the title and measure to be initiated or referred, hear arguments, if any, and certify to the county clerk a title for the measure which meets the requirements of ORS 250.035 and 250.039.

(2) The review by the circuit court shall be the first and final review, and shall be conducted expeditiously to insure the orderly and timely circulation of the petition or conduct of the election at which the measure is to be submitted to the electors. [1979 c.190 §157; 1983 c.514 §9a; 1987 c.707 §9; 1989 c.503 §7]

250.200 [Amended by 1957 c.608 §133; 1961 c.89 §1; repealed by 1979 c.190 §431]

250.205 Filing and signature requirements for nonhome rule counties. (1) This section applies to a county that has not adopted a charter under section 10, Article VI, Oregon Constitution.

(2) A referendum petition must be filed not later than the 90th day after the adoption of a nonemergency county measure.

(3) A petition to refer a county measure must contain at least the number of signatures of electors residing in the county that is equal to four percent of the total number of votes cast in the county for all candidates for Governor at the election at which a Governor is elected for a four-year term next preceding the filing of the petition.

(4) A petition to initiate a county measure must contain at least the number of signatures of electors residing in the county equal to six percent of the total number of votes cast in the county for all candidates for Governor at the election at which a Governor is elected for a four-year term next preceding the filing of the petition. [1979 c.190 §158]

250.210 [Amended by 1957 c.608 §134; 1979 c.519 §19; repealed by 1979 c.190 §431]

250.215 Filing officer for county measure; filing requirements; signature verification. (1) An initiative or referendum petition relating to a county measure shall be filed with the county clerk for signature verification. The filed petition shall contain only original signatures.

(2) An initiative or referendum petition relating to a county measure shall not be accepted for filing if it contains less than 100 percent of the required number of signatures.

(3) For any petition requiring a number of signatures exceeding 4,500, the Secretary of State by rule shall designate a statistical sampling technique to verify whether a petition contains the required number of signa-

tures of electors. A petition may not be rejected for the reason that it contains less than the required number of signatures unless two separate sampling processes both establish that the petition lacks the required number of signatures. The second sampling must contain a larger number of signatures than the first sampling.

(4) The Secretary of State may employ professional assistance to determine the sampling technique referred to in subsection (3) of this section. [1979 c.190 §159; 1989 c.68 §7; 1991 c.580 §2]

250.220 [Amended by 1957 c.608 §135; 1961 c.80 §2; repealed by 1979 c.190 §431]

250.221 Date of election. If an initiative or referendum petition contains the required number of verified signatures, the election on the county measure shall be held on the next available election date in ORS 203.085 that is not sooner than the 90th day after the measure was filed with the county clerk. [1981 c.909 §4]

250.225 [1963 c.345 §§5, 6; 1979 c.190 §269; 1979 c.519 §29a; renumbered 254.475]

250.226 [1979 c.190 §160; repealed by 1987 c.724 §7]

250.230 [Amended by 1957 c.608 §136; 1979 c.190 §227; 1979 c.317 §9; renumbered 254.035]

250.235 Retention of petition materials. The county clerk shall retain the signature sheets of a filed initiative or referendum petition with a copy of the county measure. If the measure is approved by the electors, a copy of the measure shall be preserved as a permanent public record, and the signature sheets shall be preserved for six years. [1979 c.190 §161]

CITY MEASURES

250.255 Application of subchapter. ORS 250.265 to 250.346 applies to the exercise of initiative or referendum powers regarding a city measure under section 1, Article IV, Oregon Constitution, unless the city charter or ordinance provides otherwise. [1979 c.190 §162]

250.265 Submitting prospective petition; form of petition; statement regarding payment of petition circulators; annual statement. (1) Before circulating a petition to initiate or refer a city measure, the petitioner shall file with the city elections officer a prospective petition. The officer immediately shall date and time stamp the prospective petition, and specify the form on which the petition shall be printed for circulation. The officer shall retain the prospective petition.

(2) An initiative or referendum petition shall designate the name and residence address of not more than three persons as chief petitioners. The cover of a referendum peti-

tion shall contain the title described in ORS 250.275 (1). If the circuit court has not reviewed the ballot title under ORS 250.296, the cover of an initiative petition shall contain the ballot title described in ORS 250.275 (3). If the circuit court has reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the court.

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

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

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.

(4) Each sheet of signatures on an initiative petition shall contain the caption of the ballot title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance or resolution to be referred, if any, and the date it was adopted by the city governing body. Each sheet of signatures shall be attached to a full and correct copy of the measure to be initiated or referred.

(5) The reverse side of the cover of an initiative or referendum petition and both sides of a signature sheet may be used for obtaining signatures on an initiative or referendum petition. If both sides of a signature sheet are used, each side shall contain the information required on a signature sheet under subsection (4) of this section.

(6) Not more than 20 signatures on the cover or on each side of each sheet of the initiative or referendum petition shall be counted. The cover of the initiative or referendum petition, if the cover is used to gather signatures, and each signature sheet shall be verified on its face by the signed statement of the circulator that the individuals signed the cover or sheet in the presence of the circulator and that the circulator believes each individual is an elector registered in the city.

(7) If the gathering of signatures exceeds the period of one year from the time the petition is approved for circulation, any of the chief petitioners, on or before the anniversary of approval of the petition for circulation:

(a) Shall file annually, with the city elections officer, a statement that the initiative petition is still active; and

(b) May submit to the city elections officer for verification any signatures gathered on the petition in the preceding year.

(8) Not later than 30 days before the date that the chief petitioners must file a statement and submit signatures under subsection (7) of this section, the city elections officer shall notify the chief petitioners in writing of the requirements of subsection (7) of this section. The notice shall be sent by certified mail, return receipt requested.

(9) A city elections officer shall not accept for filing any petition which has not met the provisions of subsection (7) of this section. [1979 c.190 §163; 1981 c.909 §6; 1983 c.756 §11; 1991 c.106 §2]

250.270 One subject determination; notice; appeal. (1) Not later than the fifth business day after receiving a prospective petition for an initiative measure, the city elections officer shall determine in writing whether the initiative measure meets the requirements of section 1 (2)(d), Article IV of the Oregon Constitution.

(2) If the city elections officer determines that the initiative measure meets the requirements of section 1 (2)(d), Article IV of the Oregon Constitution, the city elections officer shall proceed as required in ORS 250.275. The city elections officer shall include in the publication required under ORS 250.275 (5) a statement that the initiative measure has been determined to meet the requirements of section 1 (2)(d), Article IV of the Oregon Constitution.

(3) If the city elections officer determines that the initiative measure does not meet the requirements of section 1 (2)(d), Article IV of the Oregon Constitution, the city elections officer shall immediately notify the petitioner, in writing by certified mail, return receipt requested, of the determination.

(4) Any elector dissatisfied with a determination of the city elections officer under subsection (1) of this section may petition the circuit court of the judicial district in which the city is located seeking to overturn the determination of the city elections officer. If the elector is dissatisfied with a determination that the initiative measure meets the requirements of section 1 (2)(d), Article IV of the Oregon Constitution, the petition must be filed not later than the seventh business day after the ballot title is filed with the city elections officer. If the elector is dissatisfied with a determination that the initiative measure does not meet the requirements of section 1 (2)(d), Article IV of the Oregon Constitution, the petition must

be filed not later than the seventh business day after the written determination is made by the city elections officer.

(5) The review by the circuit court shall be the first and final review, and shall be conducted expeditiously to insure the orderly and timely circulation of the petition. [1991 c.719 §36]

250.275 Preparation of ballot title for certain measures; notice. (1) When a prospective petition for a city measure to be referred is filed with the city elections officer, the officer shall authorize the circulation of the petition containing the title of the measure as enacted by the city governing body or, if there is no title, the title supplied by the petitioner filing the prospective petition. The city elections officer immediately shall send two copies of the prospective petition to the city attorney.

(2) Not later than the sixth business day after a prospective petition for a city measure to be initiated is filed with the city elections officer, the officer shall send two copies of it to the city attorney if the measure to be initiated has been determined to be in compliance with section 1 (2)(d), Article IV of the Oregon Constitution, as provided in ORS 250.270.

(3) Not later than the fifth business day after receiving the copies of the prospective petition, the city attorney shall provide a ballot title for the city measure to be initiated or referred and return one copy of the prospective petition and the ballot title to the city elections officer. Unless the circuit court certifies a different title, this ballot title shall be the title printed on the ballot.

(4) A copy of the ballot title shall be furnished to the chief petitioner.

(5) The city elections officer, upon receiving a ballot title for a city measure to be referred or initiated from the city attorney or city governing body, shall publish in the next available edition of a newspaper of general distribution in the city a notice of receipt of the ballot title including notice that an elector may file a petition for review of the ballot title not later than the date referred to in ORS 250.296. [1979 c.190 §164; 1985 c.808 §28; 1987 c.707 §9a; 1991 c.719 §22]

250.285 City governing body may prepare ballot titles for certain measures. (1) When the city governing body refers a measure to the people, a ballot title for the measure may be prepared by the body. The ballot title shall be filed with the city elections officer.

(2) If the title is not prepared under subsection (1) of this section, when the measure is filed with the city elections officer, the officer shall send two copies to the city at-

torney. Not later than the fifth business day after receiving the copies the city attorney shall provide a ballot title for the measure, and send a copy of it to the city governing body and the city elections officer. [1979 c.190 §165; 1985 c.808 §29]

250.290 [Amended by 1965 s.s. c.1 §1; repealed by 1971 c.767 §1]

250.295 [1971 c.767 §2; 1979 c.190 §305; renumbered 188.130]

250.296 Procedure for elector dissatisfied with title of city measure. (1) Any elector dissatisfied with a ballot title filed with the city elections officer by the city attorney or the city governing body, may petition the circuit court of the judicial district in which the city is located seeking a different title and stating the reasons the title filed with the court is insufficient, not concise or unfair. The petition must be filed not later than the seventh business day after the title is filed with the city elections officer. The court shall review the title and measure to be initiated or referred, hear arguments, if any, and certify to the city elections officer a title for the measure which meets the requirements of ORS 250.035 and 250.039.

(2) The review by the circuit court shall be the first and final review, and shall be conducted expeditiously to insure the orderly and timely circulation of the petition or conduct of the election at which the measure is to be submitted to the electors. [1979 c.190 §166; 1983 c.514 §9b; 1987 c.707 §10; 1989 c.503 §8]

250.300 [Amended by 1979 c.190 §396; renumbered 188.310]

250.305 Signature requirements. (1) A petition to refer a city measure must be signed by not less than 10 percent of the electors registered in the city at the time the prospective petition is filed. The petition must be filed with the city elections officer not later than the 30th day after adoption of the city legislation sought to be referred.

(2) A petition to initiate a city measure must be signed by not less than 15 percent of the electors registered in the city at the time the prospective petition is filed. [1979 c.190 §167; 1983 c.350 §67; 1989 c.251 §1]

250.310 [Amended by 1955 c.726 §1; 1957 c.608 §137; 1959 c.317 §3; 1961 c.114 §11; repealed by 1979 c.190 §431]

250.315 Filing officer; filing requirements; signature verification. (1) An initiative or referendum petition relating to a city measure shall be filed with the city elections officer for signature verification. The filed petition shall contain only original signatures.

(2) An initiative or referendum petition relating to a city measure shall not be accepted for filing if it contains less than 100 percent of the required number of signatures.

(3) For any petition requiring a number of signatures exceeding 4,500, the Secretary of State by rule shall designate a statistical sampling technique to verify whether a petition contains the required number of signatures of electors. A petition may not be rejected for the reason that it contains less than the required number of signatures unless two separate sampling processes both establish that the petition lacks the required number of signatures. The second sampling must contain a larger number of signatures than the first sampling.

(4) The Secretary of State may employ professional assistance to determine the sampling technique referred to in subsection (3) of this section. [1979 c.190 §168; 1989 c.68 §8; 1991 c.580 §3]

250.320 [Repealed by 1957 c.608 §231]

250.325 Procedure following filing of initiative petition. (1) If an initiative petition contains the required number of verified signatures, the city elections officer shall file the initiated measure with the city governing body at its next meeting.

(2) The governing body, not later than the 30th day after the measure is filed with it, may adopt or reject the measure unless the measure is required to be submitted to city electors under the city charter or state law. If the measure is not adopted, or the measure is required to be submitted to city electors under the city charter or state law, it shall be submitted to city electors on the next available election date in ORS 221.230 held not sooner than the 90th day after the measure was filed with the city governing body.

(3) The governing body may refer a competing measure to city electors at the same election at which the initiated measure is submitted. If the governing body refers a competing measure to city electors, it must prepare the measure not later than the 30th day after the initiated measure is filed with it. The mayor shall not have the power to veto an initiated measure or a competing measure. [1979 c.190 §169; 1979 c.316 §14a; 1991 c.909 §7; 1987 c.471 §1]

250.330 [Amended by 1957 c.608 §138; 1979 c.190 §252; 1979 c.740 §3; renumbered 254.255]

250.335 [1979 c.190 §170; repealed by 1987 c.724 §7]

250.340 [Amended by 1957 c.608 §139; 1979 c.190 §255; renumbered 254.325]

250.345 [1967 c.609 §1; repealed by 1977 c.301 §15]

250.346 Retention of petition materials. The city elections officer shall retain the signature sheets of a filed initiative or referendum petition with a copy of the city measure. If the measure is approved by the electors, a copy of the measure shall be preserved as a permanent public record, and the

signature sheets shall be preserved for six years. [1979 c.190 §171]

250.350 [Amended by 1957 c.608 §140; 1977 c.508 §7; 1977 c.644 §4a; 1979 c.190 §264; renumbered 254.415]

250.355 **Date of election.** If a referendum petition contains the required number of verified signatures, the election on the city measure shall be held on the next available election date in ORS 221.230 that is not sooner than the 90th day after the referendum measure was filed with the city elections officer. [1989 c.503 §35]

250.360 [Repealed by 1957 c.608 §231]

250.365 [1963 c.595 §5 (247.610 to 247.650, 250.365 and 250.375 enacted in lieu of 247.251); repealed by 1967 c.64 §7]

250.370 [Repealed by 1957 c.608 §231]

250.375 [1963 c.595 §6 (247.610 to 247.650, 250.365 and 250.375 enacted in lieu of 247.251); 1965 c.174 §10; repealed by 1967 c.64 §7]

250.380 [Repealed by 1957 c.608 §231]

250.390 [Repealed by 1957 c.608 §231]

250.400 [Amended by 1957 c.608 §141; 1977 c.508 §8; 1979 c.190 §265; renumbered 254.425]

250.410 [Amended by 1957 c.608 §142; 1979 c.190 §45; renumbered 247.035]

250.420 [Amended by 1957 c.608 §143; repealed by 1979 c.190 §431]

250.430 [Amended by 1957 c.608 §144; 1977 c.508 §9; 1979 c.190 §253; 1979 c.519 §20a; renumbered 254.305]

250.440 [Amended by 1957 c.608 §145; 1979 c.190 §251; repealed by 1979 c.749 §5]

250.460 [Repealed by 1957 c.608 §231]

250.461 [1957 c.608 §146; 1961 c.162 §1; repealed by 1979 c.190 §431]

250.470 [Repealed by 1957 c.608 §231]

250.471 [1957 c.608 §147 (1), (2); 1979 c.190 §271; renumbered 254.495]

250.480 [Repealed by 1957 c.608 §231]

250.490 [Amended by 1955 c.113 §1; repealed by 1957 c.608 §231]

250.500 [Repealed by 1957 c.608 §231]

250.510 [Amended by 1957 c.608 §148; 1973 c.154 §3; 1979 c.190 §272; renumbered 254.505]

250.520 [Amended by 1957 c.608 §149; 1961 c.114 §12; 1965 c.174 §8; 1979 c.190 §273; renumbered 254.515]

250.530 [Amended by 1957 c.608 §150; repealed by 1979 c.190 §431]

250.540 [Amended by 1955 c.498 §13; repealed by 1957 c.608 §231]

250.541 [1957 c.608 §147 (3); repealed by 1979 c.190 §431]

250.545 [1963 c.337 §4; repealed by 1979 c.190 §431]

250.550 [Repealed by 1957 c.608 §231]

250.560 [Repealed by 1957 c.608 §231]

250.570 [Amended by 1957 c.608 §151; repealed by 1979 c.190 §431]

250.580 [1971 c.29 §9; repealed by 1973 c.125 §11]

250.582 [1971 c.29 §10, 11; repealed by 1973 c.125 §11]

250.584 [1971 c.29 §12; repealed by 1973 c.125 §11]

250.586 [1971 c.29 §8; repealed by 1975 c.675 §36]

250.610 [Amended by 1957 c.608 §152; 1961 c.174 §2; 1979 c.190 §248; 1979 c.519 §21a; renumbered 254.245]

250.620 [Amended by 1957 c.608 §153; repealed by 1979 c.190 §431]

250.630 [Repealed by 1957 c.608 §231]

250.631 [1957 c.608 §154; 1961 c.114 §13; 1965 c.174 §9; 1977 c.352 §4; 1979 c.190 §262; renumbered 254.395]

250.640 [Amended by 1955 c.726 §2; repealed by 1957 c.608 §231]

250.645 [1955 c.726 §5; 1957 c.608 §155; 1979 c.190 §261; renumbered 254.385]

250.650 [Repealed by 1957 c.608 §231]

250.655 [1961 c.63 §2; 1979 c.190 §263; renumbered 254.405]

250.660 [Repealed by 1957 c.608 §231]

250.670 [Repealed by 1957 c.608 §231]

250.680 [Amended by 1957 c.608 §156; 1979 c.190 §268; renumbered 254.455]

250.690 [Amended by 1955 c.726 §3; 1957 c.608 §157; 1979 c.190 §267; renumbered 254.445]

250.700 [Amended by 1957 c.608 §158; 1979 c.190 §266; renumbered 254.435]

250.710 [Amended by 1957 c.608 §159; 1977 c.179 §2; repealed by 1979 c.190 §431]

250.720 [Amended by 1957 c.608 §160; repealed by 1979 c.190 §431]

250.810 [Amended by 1957 c.608 §161; 1963 c.603 §1; repealed by 1979 c.190 §431]

250.820 [Amended by 1957 c.608 §162; repealed by 1979 c.190 §431]

250.830 [Amended by 1957 c.608 §163; 1979 c.519 §22; repealed by 1979 c.190 §431]

250.840 [Amended by 1957 c.608 §164; 1961 c.47 §1; 1963 c.603 §2; 1969 c.81 §2; 1975 c.675 §20; 1979 c.519 §23; repealed by c.190 §431]

250.845 [1963 c.603 §4; 1977 c.829 §13; repealed by 1979 c.190 §431]

250.850 [Repealed by 1957 c.608 §231]

250.860 [Repealed by 1957 c.608 §231]

250.870 [Amended by 1957 c.608 §165; repealed by 1979 c.190 §431]

250.880 [Repealed by 1979 c.190 §431]

250.990 [Amended by 1955 c.726 §6; 1957 c.608 §166; repealed by 1979 c.190 §431]

Chapter 251

1991 EDITION

Voters' Pamphlet

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CROSS REFERENCES

- Administration of election laws, Ch. 246
- District elections, voters' pamphlet not required, 255.022
- Election offenses, Ch. 260
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- Reservation to the people of the powers of initiative and referendum, Const. Art. IV, §1
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- 251.185 to 251.295
- Estimated financial effect of state measure to be printed in voters' pamphlet, 250.125
- Initiative, Ch. 250
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ELECTIONS

STATE VOTERS' PAMPHLET GENERALLY

251.005 Definitions. As used in this chapter:

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

(2) "City office" means the office of mayor, city auditor, city councilman or municipal judge of a city having a population of 50,000 or more according to the most recent determination made under ORS 190.510 to 190.610.

(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) "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. [1979 c.190 §172; 1981 c.173 §28; 1983 c.123 §1; 1983 c.392 §4; 1987 c.432 §1]

251.010 [Repealed by 1957 c.217 §9]

251.015 [1957 c.217 §1; 1979 c.190 §314; renumbered 258.006]

251.016 Disposition of fee. The Secretary of State shall pay fees received under this chapter into the General Fund. [1979 c.190 §173]

251.020 [Repealed by 1957 c.217 §9]

251.025 [1957 c.217 §2; 1979 c.190 §315; renumbered 258.016]

251.026 Information statement in voters' pamphlets. (1) The Secretary of State shall prepare and have printed in the state voters' pamphlet a statement containing the following information:

(a) Requirements for a citizen to qualify as an elector.

(b) When an elector is required to reregister.

(c) How an elector may obtain and use an absentee ballot.

(d) How an elector may obtain and use a certificate of registration.

(e) 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 including a statement that the precinct committeepersons will elect the delegates to the national convention of the major political parties.

(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 at the polls.

(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.

(c) Elector instructions, including the right of an elector to request a second ballot if the first ballot is spoiled, the right of an elector to take into the voting booth a sample ballot marked in advance and the right of a physically disabled elector to seek assistance of the election board clerks or someone of the elector's own choosing in marking the ballot. [Formerly 255.025; 1991 c.719 §23]

Note: The amendments to 251.026 by section 24, chapter 267, Oregon Laws 1987, and section 24, chapter 719, Oregon Laws 1991, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

251.026. (1) The Secretary of State shall prepare and have printed in the state biennial primary and general election voters' pamphlet a statement containing the following information:

(a) Requirements for a citizen to qualify as an elector.

(b) When an elector is required to reregister.

(c) How an elector may obtain and use an absentee ballot.

(d) How an elector may obtain and use a certificate of registration.

(e) In the voters' pamphlet for the biennial primary election, a statement of the duties and responsibilities of a precinct committeeperson to be elected at the biennial primary election including a statement that the precinct committeepersons will elect the delegates to the national convention of the major political parties.

(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 at the polls.

(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.

(c) Elector instructions, including the right of an elector to request a second ballot if the first ballot is spoiled, the right of an elector to take into the voting booth a sample ballot marked in advance and the right of a physically disabled elector to seek assistance of the election board clerks or someone of the elector's own choosing in marking the ballot. [Amended by 1991 c.719 §24]

251.030 [Repealed by 1957 c.217 §9]

251.035 [1957 c.217 §3; 1979 c.190 §316; renumbered 258.026]

251.036 Map of metropolitan service district to be printed in certain pamphlets. The Secretary of State shall include in each voters' pamphlet, in which material of a candidate for nomination or election to the office of councilor or executive director of a metropolitan service district organized under ORS chapter 268 is printed, a map of the service district which illustrates the boundaries of each subdistrict. The map shall be printed immediately preceding the material of the candidates for councilor and executive director of the district. [1979 e.533 §6]

251.040 [Repealed by 1957 c.217 §9]

251.045 [1957 c.217 §4; 1975 c.675 §21; 1979 c.190 §317; renumbered 258.036]

251.046 Content of statements and arguments. Statements and arguments submitted for inclusion in a voters' pamphlet by a candidate, political party or assembly of electors, or a person supporting or opposing a measure shall consist only of words or numbers. [1979 c.190 §175]

251.049 Names of persons or organizations excluded from arguments and statements; exceptions. (1) Except as provided in subsection (2) of this section, the Secretary of State shall not print the name of any person or organization in any argument supporting or opposing any measure or any statement of any candidate, political party or assembly of electors filed for inclusion in the voters' pamphlet, if the name of the person or organization is cited as supporting or indorsing the argument or statement.

(2) The Secretary of State may print the name of a person or organization in an argument or statement submitted for inclusion in the voters' pamphlet as supporting or indorsing the argument or statement if:

(a) Not later than the deadline for filing an argument or statement with the Secretary of State, the secretary receives a notarized statement signed by the person, or by an authorized person on behalf of an organization, stating that the person consents to the use of the name of the person or organization; or

(b) The name of a person or organization is used with a quotation made by the person on behalf of the person or by an authorized person on behalf of an organization, the quotation was disseminated to the public prior to its inclusion in the argument or statement and the quotation is identified by its source and date. [1987 c.724 §2; 1991 c.719 §47]

251.050 [Repealed by 1957 c.217 §9]

251.055 Type of material to be excluded from pamphlet; liability for libel.

(1) The Secretary of State shall reject any statement, argument or other matter offered

for filing and printing in a voters' pamphlet which:

(a) Contains any obscene, profane, scandalous or defamatory language;

(b) Incites, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any person or group by reason of race, color, religion or manner of worship; or

(c) Contains any language which may not legally be circulated through the mails.

(2) Nothing in this chapter shall make the author of any statement or argument exempt from any civil or criminal action because of any defamatory statements offered for printing or contained in the voters' pamphlet. The persons writing, signing or offering a statement or argument for filing shall be deemed its authors and publishers. [Formerly 255.040]

251.060 [1957 c.217 §5; 1979 c.190 §318; renumbered 258.046]

251.065 Filing portrait and statement by or for candidate. (1) Not later than the 68th day before the primary election and the 70th day before the general election, any candidate for nomination or election at the next primary or general election to the office of President or Vice President of the United States, United States Senator, Representative in Congress, any state office other than justice of the peace, county, any city or legislative office, or councilor or executive officer of a metropolitan service district organized under ORS chapter 268, or an agent on behalf of the candidate, may file with the Secretary of State a portrait of the candidate and a typewritten statement of the reasons the candidate should be nominated or elected.

(2) The Secretary of State by rule shall establish the format and length of the statement permitted under this section. [Formerly 255.031; 1981 c.375 §1; 1983 c.567 §13; 1985 c.508 §30]

Note: The amendments to 251.065 by section 25, chapter 267, Oregon Laws 1987, and section 9, chapter 503, Oregon Laws 1989, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

251.065. (1) Not later than the 68th day before the biennial primary election, any candidate for nomination or election at the biennial primary election to the office of President or Vice President of the United States if a presidential primary election is not held as provided in section 81, chapter 267, Oregon Laws 1987, United States Senator, Representative in Congress, any state office other than justice of the peace, county, any city or legislative office, or councilor or executive officer of a metropolitan service district organized under ORS chapter 268, or an agent on behalf of the candidate, may file with the Secretary of State a portrait of the candidate and a typewritten statement of the reasons the candidate should be nominated or elected.

(2) Not later than the 70th day before the general election, any candidate for election at the general election to the office of President or Vice President of

the United States, United States Senator, Representative in Congress, any state office other than justice of the peace, county, any city or legislative office, or councilor or executive officer of a metropolitan service district organized under ORS chapter 268, or an agent on behalf of the candidate, may file with the Secretary of State a portrait of the candidate and a typewritten statement of the reasons the candidate should be elected.

(3) The Secretary of State by rule shall establish the format and length of the statement permitted under this section.

251.070 [1957 c.217 §6; 1979 c.190 §319; renumbered 258,055]

251.075 Portrait requirements. (1) A candidate shall not submit for inclusion in the voters' pamphlet a portrait that was taken more than two years before the date the portrait is filed with the Secretary of State.

(2) A portrait submitted for inclusion in the voters' pamphlet shall:

(a) Be a conventional photograph with a plain background;

(b) Show the face or the head, neck and shoulders of the candidate; and

(c) Be prepared and processed for printing as prescribed by the Secretary of State.

(3) A portrait submitted for inclusion in the voters' pamphlet shall not:

(a) Include the hands or anything held in the hands of the candidate;

(b) Show the candidate wearing a judicial robe, a hat or a military, police or fraternal uniform; and

(c) Show the uniform or insignia of any organization.

(4) The portrait of a candidate printed in the voters' pamphlet shall be three inches high and two inches wide. Each portrait shall be placed in the upper left corner of the candidate's allotted space. [1979 c.190 §178; 1979 c.533 §2; 1985 c.808 §30a; 1987 c.707 §11]

251.080 [1957 c.217 §7; 1969 c.617 §1; repealed by 1979 c.190 §431]

251.085 Format of candidate's statement. The candidate's statement shall begin with a summary of the following: Occupation, educational and occupational background, and prior governmental experience. [Formerly 255.027]

251.090 [1957 c.217 §8; 1973 c.197 §4; 1979 c.190 §322; renumbered 258,055]

251.095 Fees for space in voters' pamphlet; use of space. (1) At the time of filing materials under ORS 251.065, each candidate for nomination or election to any of the following offices shall pay to the Secretary of State the following fee for space in the voters' pamphlet:

(a) President or Vice President of the United States, United States Senator or

Representative in Congress, \$500 for 59.6 square inches of space.

(b) Any state office to be voted for in the state at large, \$300 for 59.6 square inches of space.

(c) State Senator, State Representative or any other office, \$100 for 29.8 square inches of space.

(2) The space allotted to each candidate shall be used for the portrait and statement filed under ORS 251.065. If a portrait is not filed, the statement may cover the entire allotted space. The length of the statement shall be limited as follows:

(a) Not more than 325 words for 29.8 square inches of space.

(b) Not more than 900 words for 59.6 square inches of space. [Formerly 255.051; 1981 c.325 §2; 1983 c.567 §14; 1985 c.808 §30b; 1987 c.707 §12]

251.110 [Repealed by 1957 c.217 §9]

251.115 Statement of statewide and less than statewide political party or assembly; fees. (1) Not later than the 70th day before the general election, the managing officers of any statewide political party or assembly of electors having nominated candidates may file with the Secretary of State a typewritten statement of arguments for the success of its principles and election of its candidates on a statewide basis and opposing the principles and candidates of other political parties or organizations on a statewide basis.

(2) Not later than the 70th day before the general election, the managing officers of any less than statewide political party or assembly of electors having nominated candidates may file with the Secretary of State a typewritten statement of arguments for the success of its principles and election of its candidates on a county basis and opposing the principles and candidates of other political parties or organizations on a county basis.

(3) The political party or assembly of electors shall be allowed 119.2 square inches of space in the voters' pamphlet for a statement filed under subsection (1) of this section, and shall pay to the Secretary of State when filing the statement \$100 per 29.8 square inches. The political party or assembly of electors shall be allowed 59.6 square inches of space for a statement filed under subsection (2) of this section, and shall pay to the Secretary of State when filing the statement \$100 per 29.8 square inches. The space is allotted to a political party or an assembly of electors only in increments of 29.8 square inches. [Formerly 255.211; 1987 c.707 §13; 1989 c.503 §10]

251.120 [Repealed by 1957 c.217 §9]

251.125 Identification of portrait or statement. On each allotted space of the voters' pamphlet containing a portrait or statement filed by a candidate, political party or assembly of electors, the Secretary of State shall indicate who furnished the portrait or statement. [1979 c.190 §182]

251.130 [Repealed by 1957 c.217 §9]

251.135 Refund of filing fee. Not later than the last day for filing material for inclusion in a voters' pamphlet, the person who paid the filing fee may receive a refund from the Secretary of State. When a refund is made, the material for which the fee was paid shall not be included in the pamphlet. [1979 c.190 §183]

251.140 [Repealed by 1957 c.217 §9]

251.145 Exemption from public records law. Notwithstanding ORS 192.410 to 192.505 relating to public records, materials filed by a political party, assembly of electors or candidate for inclusion in a voters' pamphlet are exempt from public inspection until the fourth business day after the final date for filing the materials. [1979 c.190 §184; 1991 c.719 §48]

251.150 [Repealed by 1957 c.217 §9]

251.155 Statements and arguments inadmissible in action to enjoin publication of pamphlet. Material submitted for inclusion in any voters' pamphlet shall not be admitted as evidence in any suit or action against the Secretary of State to restrain or enjoin the publication of the voters' pamphlet. [Formerly 255.018]

251.160 [Repealed by 1957 c.217 §9]

251.165 Preparing, printing and binding of pamphlets. (1) The Secretary of State shall prepare and deliver to the State Printer:

(a) A list of the names of candidates for nomination or election at the next primary or general election to the offices of President or Vice President of the United States, United States Senator, Representative in Congress, and any state office other than justice of the peace, along with a designation of the offices for which the candidates are competing;

(b) All portraits and statements filed under ORS 251.065 and 251.115; and

(c) The information specified in ORS 251.185 relating to measures to be voted upon at the election for which the pamphlet is prepared.

(2) The items specified in subsection (1) of this section shall be properly compiled, edited, prepared and indexed for printing by the Secretary of State before delivery to the printer.

(3) The voters' pamphlet shall be prepared so that material relating to measures

appears first, material of candidates for partisan offices appears next, and material of candidates for nonpartisan offices appears last. In the primary election pamphlet, all candidates of one major political party shall be grouped separately from all candidates of another major political party. The order in which the groups of candidates for the major political parties appear shall be alternated for successive primary elections. If the pamphlet is printed on pages of 8-1/2 inches by 11 inches, material relating to candidates for different offices shall not appear on the same page of the pamphlet. When material of a candidate for the same office appears on a succeeding page, a statement shall be placed in the top margin of the pamphlet page indicating that material of additional candidates for the same office continues on the next page.

(4) The State Printer shall print and bind in pamphlet form the items delivered under subsection (1) of this section, and shall make as many copies of the voters' pamphlet as the Secretary of State estimates will be necessary. The State Printer shall complete delivery of the voters' pamphlets to the Secretary of State not later than the 20th day before the primary or general election for which the pamphlet has been prepared. [Formerly 255.061; 1987 c.707 §14; 1991 c.719 §25]

Note: The amendments to 251.165 by section 28, chapter 267, Oregon Laws 1987, and section 26, chapter 719, Oregon Laws 1991, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

251.165. (1) The Secretary of State shall prepare and deliver to the State Printer:

(a) A list of the names of candidates for nomination or election at the next biennial primary or general election to the offices of President or Vice President of the United States, United States Senator, Representative in Congress, and any state office other than justice of the peace, along with a designation of the offices for which the candidates are competing;

(b) All portraits and statements filed under ORS 251.065 and 251.115; and

(c) The information specified in ORS 251.185 relating to measures to be voted upon at the election for which the pamphlet is prepared.

(2) If a special election on a state measure is to be held on the date of a presidential primary election, the Secretary of State shall prepare and deliver to the State Printer the information specified in ORS 251.185 relating to measures to be voted upon at the election.

(3) The items specified in subsection (1) or (2) of this section shall be properly compiled, edited, prepared and indexed for printing by the Secretary of State before delivery to the printer.

(4) The voters' pamphlet shall be prepared so that material relating to measures appears first, material of candidates for partisan offices appears next, and material of candidates for nonpartisan offices appears last. In the biennial primary election pamphlet, all candidates of one major political party shall be grouped separately from all candidates of another major political party. The order in which the groups of candidates for the major political parties appear shall be alternated

for successive biennial primary elections. If the pamphlet is printed on pages of 8-1/2 inches by 11 inches, material relating to candidates for different offices shall not appear on the same page of the pamphlet. When material of a candidate for the same office appears on a succeeding page, a statement shall be placed in the top margin of the pamphlet page indicating that material of additional candidates for the same office continues on the next page.

(5) The State Printer shall print and bind in pamphlet form the items delivered under subsection (1) or (2) of this section, and shall make as many copies of the voters' pamphlet as the Secretary of State estimates will be necessary. The State Printer shall complete delivery of the voters' pamphlets to the Secretary of State not later than the 20th day before the biennial primary or general election and not later than the 20th day before any other special election for which a pamphlet has been prepared. [Amended by 1991 c.719 §26]

251.175 Distribution of pamphlet. Not later than the 15th day before a primary, general or special election for which a voters' pamphlet has been prepared, the Secretary of State shall cause the voters' pamphlet to be mailed to each post-office mailing address in Oregon, and shall use any additional means of distribution necessary to make the pamphlet available to electors. [1979 c.190 §187]

Note: The amendments to 251.175 by section 29, 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.

251.175. Not later than the 15th day before a biennial primary, general or special election for which a voters' pamphlet has been prepared, the Secretary of State shall cause the voters' pamphlet to be mailed to each post-office mailing address in Oregon, and shall use any additional means of distribution necessary to make the pamphlet available to electors.

STATE INITIATIVE AND REFERENDUM PAMPHLET

251.185 Voters' pamphlet to include measures, statements and arguments. The Secretary of State shall have printed in the voters' pamphlet for a general or special election a copy of the title and text of each state measure to be submitted to the people at the election for which the pamphlet was prepared. Each measure shall be printed in the pamphlet with the number, ballot title and the financial estimates under ORS 250.125, if any, to be printed on the official ballot, and with the explanatory statement and arguments relating to it. The Secretary of State also shall have printed in the voters' pamphlet any county measure or measure of a metropolitan service district organized under ORS chapter 268, and ballot title, explanatory statement and arguments relating to the measure, filed by the county or metropolitan service district under ORS 251.285. [Formerly 255.410; 1991 c.719 §10; 1991 c.971 §7]

251.195 Form for printing proposed constitutional amendment. The text of a proposed amendment to the Oregon Constitution shall be printed in the voters' pam-

phlet to indicate by the use of brackets and italic type the words that would be deleted from, and by boldfaced type the words that would be added to, the existing provision. [Formerly 255.440; 1989 c.503 §11]

251.205 Appointment of committee to draft explanatory statement of measure proposed by initiative or referendum. (1) Not later than the 120th day before a special election held on the date of a primary election or any general election at which a state measure is to be submitted to the people, a committee of five citizens shall be selected for each measure to prepare the explanatory statement under ORS 251.215. The proponents of the measure shall appoint two members to the committee and notify the Secretary of State of the selections. The Secretary of State shall appoint two members of the committee from among the opponents, if any, of the measure. Those four shall select the fifth member and notify the Secretary of State of the selection. If the four members have not selected the fifth member by the 110th day before the election, the fifth member shall be appointed by the Secretary of State. A vacancy shall be filled by the person who made the original appointment.

(2) As used in this section, "proponents" means:

(a) With respect to any state measure initiated or referred by petition, the chief petitioners; or

(b) With respect to a measure referred by the Legislative Assembly, the President of the Senate, who shall appoint a Senator, and the Speaker of the House, who shall appoint a Representative.

(3) With respect to a measure referred by the Legislative Assembly, a Senator or Representative appointed under subsection (1) of this section may disclose whether the Senator or Representative supports or opposes the state measure. The Secretary of State shall print the disclosure in the voters' pamphlet following the explanatory statement. [Formerly 254.210; 1987 c.707 §15]

251.215 Preparation and filing of explanatory statement of measure proposed by initiative or referendum. (1) Not later than the 99th day before a special election held on the date of a primary election or any general election at which any state measure is to be submitted to the people, the committee appointed under ORS 251.205 shall prepare and file with the Secretary of State, an impartial, simple and understandable statement explaining the measure and its effect. The statement shall not exceed 500 words.

(2) Not sooner than the 98th nor later than the 95th day before the election, the Secretary of State shall hold a hearing in

Salem upon reasonable statewide notice to receive suggested changes to any explanatory statement. At the hearing any person may submit suggested changes orally or in writing. Written suggestions also may be submitted at any time before the hearing.

(3) The committee for each measure shall consider suggestions submitted under subsection (2) of this section, and may file a revised statement with the Secretary of State not later than the 90th day before the election. The original statement and any revised statement must be approved by at least three members of the committee. If a member does not concur, the statement shall show only that the member dissents. [Formerly 254.222; 1991 c.719 §49]

251.225 Preparation and filing of explanatory statement by Legislative Counsel Committee; when considered explanatory statement of measure. (1) The Legislative Counsel Committee shall prepare an impartial, simple and understandable statement of not more than 500 words explaining each state measure and its effect. The statement shall be filed with the Secretary of State not later than the last day for filing a statement prepared under ORS 251.215.

(2) If an explanatory statement is not filed by a committee under ORS 251.215, the statement of the Legislative Counsel Committee shall be the explanatory statement of the measure, and shall be subject to the provisions of ORS 251.215. [Formerly 254.225]

251.230 Effect if explanatory statement not filed. If an explanatory statement is not filed by a committee under ORS 251.215 or by the Legislative Counsel Committee under ORS 251.225, the measure shall be printed in the voters' pamphlet without the explanatory statement. [1991 c.971 §6]

251.235 Court review of ballot measure explanation. Any person dissatisfied with an explanatory statement for which suggestions were offered at the Secretary of State's hearing under ORS 251.215, may petition the Supreme Court seeking a different statement and stating the reasons the statement filed with the court is insufficient or unclear. If the petition is filed not later than the fifth day after the deadline for filing a revised statement with the Secretary of State, the court shall review the statement, hear arguments and certify an explanatory statement to the Secretary of State. The review by the Supreme Court shall be conducted expeditiously to insure the orderly and timely conduct of the election at which the measure is to be submitted to the electors. The statement certified by the court shall be the ex-

planatory statement printed in the voters' pamphlet. [Formerly 254.230]

251.245 Committee to prepare and file argument in support of referred measure. For any measure referred to the electors by the Legislative Assembly the Secretary of State shall set aside 29.8 square inches in the voters' pamphlet in which an argument in support of the measure may be printed. A joint committee consisting of one Senator, to be appointed by the President of the Senate, and two Representatives, to be appointed by the Speaker of the House of Representatives, shall be appointed to prepare the argument. The committee shall file the argument with the Secretary of State not later than the 110th day before an election held on the date of the primary or general election. [Formerly 255.465]

Note: The amendments to 251.245 by section 33, 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.

251.245. For any measure referred to the electors by the Legislative Assembly the Secretary of State shall set aside 29.8 square inches in the voters' pamphlet in which an argument in support of the measure may be printed. A joint committee consisting of one Senator, to be appointed by the President of the Senate, and two Representatives, to be appointed by the Speaker of the House of Representatives, shall be appointed to prepare the argument. The committee shall file the argument with the Secretary of State not later than the 110th day before an election held on the date of the presidential or biennial primary or general election.

251.255 Filing arguments for or against initiated or referred measure. Not later than the 70th day before a general election or the 68th day before a special election held on the date of any primary election at which a statewide measure is to be voted upon, any person may file with the Secretary of State a typewritten argument supporting or opposing the measure. The argument shall be printed on 29.8 square inches of the voters' pamphlet if the argument is accompanied by either a payment of \$300 or a petition in a form prescribed by the Secretary of State containing the signatures of 1,000 electors eligible to vote on the measure. Each person signing the petition shall subscribe to a statement that the person has read and agrees with the argument. The signatures on each petition shall be certified by the county clerk in the manner provided in ORS 249.008. The petition shall be filed with the Secretary of State. [Formerly 255.415; 1989 c.646 §1]

251.265 Author of argument, author's organization, and disclaimer to be included in voters' pamphlet. The Secretary of State shall include in the voters' pamphlet on the page of the printed argument on a measure the name of the person who submitted the argument, the name of the organization the person represents, if any, whether

the argument supports or opposes the measure, and a disclaimer in substantially the following form:

The printing of this argument does not constitute an endorsement by the State of Oregon, nor does the state warrant the accuracy or truth of any statement made in the argument.

[Formerly 255.435]

251.275 Secretary of State to forward arguments to committee selected under ORS 251.205 or 251.215. When an argument relating to a measure is filed, the Secretary of State immediately shall send a copy of the argument by certified mail to each member of the committee selected to prepare the explanatory statement under ORS 251.205 or 251.215. [Formerly 255.418]

251.285 Requirements for inclusion of county measure or metropolitan service district measure in voters' pamphlet. (1) The Secretary of State shall have printed in the voters' pamphlet prepared for a general or special election any county measure or any measure of a metropolitan service district organized under ORS chapter 268, and the ballot title, explanatory statement and arguments relating to the measure, if the requirements of this section are satisfied.

(2) The county or district measure, ballot title, explanatory statement and arguments shall not be printed in the voters' pamphlet unless:

(a) The ballot title is a concise and impartial statement of the purpose of the measure;

(b) The explanatory statement is an impartial, simple and understandable statement explaining the measure and its effect;

(c) The county or metropolitan service district adopts and complies with an ordinance that provides a review procedure for a ballot title or explanatory statement which is contested because it does not comply with the requirements of paragraph (a) or (b) of this subsection;

(d) The county or metropolitan service district adopts and complies with an ordinance that provides for acceptance of type-written arguments relating to the measure to be printed on 29.8 square inches of the voters' pamphlet; and

(e) The county or metropolitan service district does not require of a person filing an argument a payment of more than \$300, or a petition containing more than a number of signatures equal to 1,000 electors eligible to

vote on the measure or 10 percent of the total of such electors, whichever is less.

(3) Any judicial review of a determination made under the review procedures adopted under paragraph (c) of subsection (2) of this section shall be first and finally in the circuit court of the judicial district in which the county is located or, for a district measure, in the circuit court of the judicial district in which the administrative office of the metropolitan service district is located.

(4) If the county or metropolitan service district has adopted and complied with ordinances prescribed in subsection (2) of this section, the decision to include the county or district measure, ballot title, explanatory statement and arguments in the voters' pamphlet shall be made by:

(a) The county governing body with regard to any county measure or the council of the metropolitan service district with regard to any district measure;

(b) The chief petitioners of the initiative or referendum with regard to a county or district measure initiated or referred by the people. The chief petitioners shall indicate their decision in a statement signed by all of the chief petitioners and filed with the county clerk or, for a district measure, with the executive officer of the metropolitan service district; or

(c) A political committee, as defined in ORS 260.005, that opposes the county or district measure. The committee shall indicate its decision in a statement signed by every committee director, as defined in ORS 260.005, and filed with the county clerk or, for a district measure, with the executive officer of the metropolitan service district.

(5) The county or metropolitan service district shall file the measure, ballot title, explanatory statement and arguments with the Secretary of State not later than the 70th day before the general election or the 68th day before a special election held on the date of any primary election. The county or district shall pay to the Secretary of State the cost of including the county or district material in the pamphlet as determined by the secretary. The Secretary of State shall not have this material printed in the pamphlet unless:

(a) The time for filing a petition for judicial review of a determination made under paragraph (c) of subsection (2) of this section has passed; and

(b) The measure, title, statement and arguments properly filed with the county or metropolitan service district, are delivered to the secretary. [Formerly 255.455; 1981 c.173 §29; 1989 c.250 §1; 1991 c.15 §3; 1991 c.719 §11]

251.295 Radio and television broadcasts to supplement pamphlet. The Secretary of State, pursuant to ORS 193.310 to 193.360, may supplement the special or general election voters' pamphlet by causing to have broadcast by radio or television, material specified in this section at times the secretary determines suitable during the four weeks immediately preceding the election at which state measures are to be submitted to the people. The material provided by broadcast shall include only the following:

- (1) The ballot title or popular name of each state measure.
- (2) The number and form in which the ballot title of the state measures will be printed on the official ballot.
- (3) A summary of the explanatory statements filed relating to each state measure. [Formerly 255.510]

COUNTY VOTERS' PAMPHLET

251.305 County voters' pamphlet. The county clerk of any county may prepare, print and distribute a county voters' pamphlet for any election. [1989 c.1031 §2; 1991 c.48 §1]

251.315 Information required to be included in voters' pamphlet; deadline for distribution. (1) If a county produces a county voters' pamphlet, the county voters' pamphlet shall include, when applicable, at least the following information:

- (a) A sample ballot containing the names of candidates for all offices appearing on the ballot, and the ballot titles of all measures appearing on the ballot in the county.
- (b) Requirements for a citizen to qualify as an elector.
- (c) Requirements for registration and re-registration.
- (d) Instructions as to how an elector may obtain and use:
 - (A) An absentee ballot; and
 - (B) A certificate of registration.
- (e) A statement that the voters' pamphlet may be used to assist electors at the polls.
- (f) Elector instructions, including the right of an elector to request a second ballot if the first ballot is spoiled, the right of an elector to take into the voting booth a sample ballot marked in advance and the right of a physically disabled elector to seek assistance of the election board clerks or someone of the elector's own choosing in marking the ballot.
- (g) The hours that the county elections office or other polling places are open.

(h) Any portraits and statements of candidates submitted in accordance with the provisions of ORS 251.305 to 251.435.

(i) Any ballot titles, explanatory statements and arguments submitted in accordance with the provisions of ORS 251.305 to 251.435.

(j) Notice to electors of whether the election will be conducted by mail or at the polls, and if the election is to be at the polls, a listing of the polling places.

(k) Such other information as the county clerk considers to be appropriate or necessary to inform the voters.

(2) The county clerk shall mail or otherwise distribute the county voters' pamphlet not later than the seventh day before the election or the last day for mailing ballots if the election is conducted by mail. [1989 c.1031 §3]

251.325 Schedule and procedures for producing and distributing pamphlet; fees. (1) The Secretary of State by rule shall adopt a schedule and procedures for preparing, printing and distributing county voters' pamphlets. The schedule and procedures shall include but not be limited to deadlines for filing material for the voters' pamphlet, and except as otherwise provided by law, the format of material to be submitted and the size and other requirements applicable to candidate portraits.

(2) The Secretary of State by rule shall adopt a schedule of fees to be charged by the county clerks for including portraits of candidates, statements and arguments in the voters' pamphlet. The fees need not reflect the actual cost of producing the voters' pamphlet. The county clerk shall refund the filing fee to any person who applies for the refund not later than the last day for filing material for inclusion in the voters' pamphlet. When a refund is made, the material for which the fee was paid shall not be included in the pamphlet. [1989 c.1031 §4]

251.335 Filing portrait and statement by or for candidate. (1) Not later than the date specified by the Secretary of State, any candidate for election to county, city or special district office within the county, or an agent of the candidate, may file with the county clerk of a county that prepares a county voters' pamphlet a portrait of the candidate and a typewritten statement of the reasons the candidate should be elected. The portrait and statement must comply with the applicable rules of the Secretary of State. The county clerk shall not accept the filing of a statement or portrait of any candidate unless the filing is accompanied by the appropriate fee as prescribed by the Secretary of State.

(2) As used in this section, "district" has the meaning given that term in ORS 255.012. [1989 c.1031 §5]

251.345 Explanatory statement. Not later than the date specified by the Secretary of State, in a county that prepares a county voters' pamphlet, the governing body for any electoral district that has referred a measure to the voters shall submit an impartial, simple and understandable statement explaining the measure and its effect. [1989 c.1031 §6; 1991 c.48 §2]

251.355 Filing arguments for or against measure. (1) Not later than the date specified by the Secretary of State by rule, in a county that prepares a county voters' pamphlet, any person may file with the county clerk a typewritten argument supporting or opposing any measure to be submitted to the voters on the ballot. The county clerk shall not accept any arguments which are not accompanied by the fee established by the Secretary of State or a petition in a form prescribed by the Secretary of State. A petition shall contain the signatures of at least four percent of the electors in the county eligible to vote on the measure to which the argument refers, or the signatures of 1,000 electors in the county eligible to vote on the measure to which the argument refers, whichever is less. The number of registered electors in an electoral district, for the purposes of this section, shall be calculated on January 1 of each year. Each person signing the petition shall subscribe to a statement that the person has read and agrees with the argument. The signatures on each petition shall be certified by the county clerk in the manner provided in ORS 249.008. The petition shall be filed with the county clerk.

(2) The county clerk shall include in the county voters' pamphlet, on the page of the printed argument, the name of the person who submitted the argument, the name of the organization the person represents, if any, whether the argument supports or opposes the measure and a disclaimer that the argument does not constitute an indorsement by the county and that the county does not warrant the accuracy or truth of any statement made in the argument. [1989 c.1031 §7]

251.365 Cost of pamphlet preparation; allocation of revenue. (1) Any county clerk preparing, printing and distributing a county voters' pamphlet may apportion the cost of preparing, printing and distributing the county voters' pamphlet as a cost of the election according to the formula established by the Secretary of State for the allocation of election costs. The apportioned election costs shall be reduced for each electoral district by the amount of any revenue received

by the county clerk from the submission of candidate portraits, statements and arguments for that electoral district.

(2) Any revenue collected by the county clerk from the submission of candidate portraits, statements or arguments for any electoral district which may exceed the apportioned cost of the election for that electoral district shall be applied to reduce the shared costs of the election for all remaining electoral districts. [1989 c.1031 §8]

251.375 Exception to ORS 251.365 for certain districts. ORS 251.365 does not apply to any special district for which the county clerk is required to hold elections if the special district demonstrates to the satisfaction of the county clerk that the special district is unable to pay the apportioned expenses of the voters' pamphlet as determined under ORS 251.365. If the special district is unable to pay, the expenses apportioned to that district may be apportioned among the other electoral districts participating in the election. [1989 c.1031 §9]

251.385 "Electoral district" defined for ORS 251.345 to 251.375. As used in ORS 251.345 to 251.375, "electoral district" means the county or a city, or district as defined in ORS 255.012 located within the county. [1989 c.1031 §10]

251.395 Content of statements and arguments. Statements and arguments submitted for inclusion in a county voters' pamphlet by a candidate, political party or assembly of electors, or a person supporting or opposing a measure shall consist only of words or numbers. [1989 c.1031 §11]

251.405 Names of persons or organizations excluded from arguments and statements; exceptions. (1) Except as provided in subsection (2) of this section, the county clerk shall not print the name of any person or organization in any argument supporting or opposing any measure or any statement of any candidate, filed for inclusion in a county voters' pamphlet, if the name of the person or organization is cited as supporting or indorsing the argument or statement.

(2) The county clerk may print the name of a person or organization in an argument or statement submitted for inclusion in a county voters' pamphlet as supporting or indorsing the argument or statement if:

(a) Not later than the fifth day following the deadline for filing an argument or statement with the county clerk, the county clerk receives a notarized statement signed by the person, or by an authorized person on behalf of an organization, stating that the person consents to the use of the name of the person or organization; or

(b) The name of a person or organization is used with a quotation made by the person on behalf of the person or by an authorized person on behalf of an organization, the quotation was disseminated to the public prior to its inclusion in the argument or statement and the quotation is identified by its source and date. [1989 c.1031 §12]

251.415 Type of material to be excluded from pamphlet; liability for libel.

(1) The county clerk shall reject any statement, argument or other matter offered for filing and printing in a county voters' pamphlet which:

(a) Contains any obscene, profane, scandalous or defamatory language;

(b) Incites, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any person or group by reason of race, color, religion or manner of worship; or

(c) Contains any language which may not legally be circulated through the mails.

(2) Nothing in this chapter shall make the author of any statement or argument exempt from any civil or criminal action because of any defamatory statements offered for printing or contained in the voters' pamphlet. The persons writing, signing or offering a statement or argument for filing shall be deemed its authors and publishers. [1989 c.1031 §13]

251.425 Format of candidate's statement. The candidate's statement in a county voters' pamphlet shall begin with a summary of the following: Occupation, educational and occupational background, and prior governmental experience. [1989 c.1031 §14]

251.430 Exemption from public records law. Notwithstanding ORS 192.410 to 192.505 relating to public records, materials filed by a candidate for inclusion in a county voters' pamphlet are exempt from public inspection until the fourth day after the final date for filing the materials. [1989 c.1031 §15]

251.435 Statements and arguments inadmissible in action to enjoin publication of pamphlet. Material submitted for inclusion in any state or county voters' pamphlet shall not be admitted as evidence in any suit or action against the county clerk to restrain or enjoin the publication of the voters' pamphlet. [1989 c.1031 §16]

251.440 Appearance of name of county clerk in pamphlet. (1) Subject to subsection (2) of this section, if a county produces a county voters' pamphlet for any election, the name and address of the county clerk shall be published in the county voters' pamphlet. In a county where the county official in charge of elections is not an elected official,

and the county governing body has directed the production of a county voters' pamphlet, the names and addresses of the members of the county governing body shall also be published in the county voters' pamphlet.

(2) If the county clerk or a member of the county governing body referred to in subsection (1) of this section is also a candidate for nomination or election at the election for which the county voters' pamphlet is produced, and the office to which the county clerk or member of the county governing body seeks nomination or election is included in the county voters' pamphlet, the name of the county clerk or member of the county governing body shall be included in the county voters' pamphlet only as follows:

(a) Once under subsection (1) of this section; and

(b) In any other place in the county voters' pamphlet where the name of any candidate may appear. [1989 c.773 §6]

251.310 [Repealed by 1957 c.217 §9]

251.320 [Repealed by 1957 c.217 §9]

251.330 [Repealed by 1957 c.217 §9]

251.340 [Repealed by 1957 c.217 §9]

251.350 [Repealed by 1957 c.217 §9]

251.360 [Repealed by 1957 c.217 §9]

251.370 [Repealed by 1957 c.217 §9]

251.380 [Repealed by 1957 c.217 §9]

251.390 [Repealed by 1957 c.217 §9]

251.400 [Repealed by 1957 c.217 §9]

251.410 [Repealed by 1957 c.217 §9]

251.420 [Repealed by 1957 c.217 §9]

251.510 [1955 c.498 §1; 1957 c.218 §1; 1973 c.657 §5; repealed by 1979 c.190 §431]

251.520 [1955 c.498 §2; 1957 c.218 §2; 1963 c.351 §4; 1965 c.124 §1; 1975 c.675 §22; 1979 c.190 §324; renumbered 258.161]

251.530 [1955 c.498 §3; repealed by 1957 c.218 §11]

251.540 [1955 c.498 §5; 1963 c.351 §5; 1979 c.190 §326; renumbered 258.181]

251.550 [1955 c.498 §4; 1957 c.218 §3; 1963 c.351 §6; 1965 c.124 §2; 1975 c.675 §23; 1979 c.190 §327; renumbered 258.190]

251.560 [1955 c.498 §6; 1957 c.218 §4; 1963 c.351 §7; 1975 c.675 §24; 1979 c.190 §328; renumbered 258.200]

251.570 [1955 c.498 §7; 1957 c.218 §5; 1979 c.190 §329; renumbered 258.211]

251.580 [1955 c.498 §8; 1957 c.218 §6; 1965 c.124 §3; 1969 c.462 §1; repealed by 1979 c.190 §431]

251.590 [1955 c.498 §9; 1957 c.218 §7; 1963 c.351 §8; 1979 c.190 §330; renumbered 258.221]

251.600 [1955 c.498 §10; 1957 c.218 §8; 1963 c.351 §9; 1979 c.190 §332; renumbered 258.241]

251.610 [1955 c.498 §11; 1957 c.218 §9; 1963 c.351 §10; 1971 c.743 §348; 1979 c.190 §333; renumbered 258.250]

251.615 [1963 c.351 §3; 1979 c.190 §335; renumbered 258.270]

251.620 [1955 c.498 §14; 1957 c.218 §10; 1973 c.657 §6; repealed by 1979 c.190 §431]

251.625 [1963 c.351 §2; 1979 c.190 §323; renumbered 258.150]

251.630 [1969 c.272 §2; 1979 c.190 §331; renumbered 258.231]

251.635 [1969 c.272 §3; 1979 c.190 §334; renumbered 258.260]

251.640 [1973 c.657 §2; 1975 c.675 §25; 1979 c.190 §336; renumbered 258.280]

251.645 [1973 c.657 §3; 1975 c.675 §26; 1979 c.190 §337; renumbered 258.290]

251.650 [1973 c.657 §4; 1979 c.190 §338; renumbered 258.300]

251.990 [1955 c.498 §15; repealed by 1979 c.190 §431]

251.991 [Formerly 255.990; repealed by 1987 c.718 §5]

ELECTIONS

Chapter 252

1991 EDITION

Nonpartisan Nominations and Elections

Note: For statutes relating to nonpartisan nominations and elections see ORS chapter 249.

252.010 [Amended by 1961 c.533 §36; 1969 c.198 §11; repealed by 1979 c.190 §431]

252.020 [Amended by 1961 c.533 §37; repealed by 1979 c.190 §431]

252.030 [Amended by 1957 c.311 §1; 1961 c.533 §38; repealed by 1979 c.190 §431]

252.035 [1961 c.533 §39b; repealed by 1979 c.190 §431]

252.040 [Repealed by 1979 c.190 §431 and 1979 c.451 §3]

252.050 [Amended by 1957 c.311 §2; 1979 c.451 §1; repealed by 1979 c.190 §431]

252.060 [Amended by 1957 c.311 §3; 1961 c.533 §39; 1977 c.829 §14; 1979 c.190 §124; renumbered 249.205]

252.070 [Amended by 1957 c.311 §4; 1961 c.533 §40; 1969 c.198 §12; 1979 c.451 §2; 1979 c.587 §1; repealed by 1979 c.190 §431]

252.080 [Repealed by 1979 c.190 §431]

252.110 [Amended by 1969 c.198 §13; repealed by 1979 c.190 §431]

252.130 [1953 c.52 §5; 1957 c.311 §5; 1961 c.724 §28; repealed by 1979 c.190 §431]

252.140 [Repealed by 1961 c.724 §31]

252.150 [1965 c.519 §§5, 6, 7; 1971 c.369 §1; repealed by 1979 c.190 §431 and 1979 c.713 §3]

252.160 [1965 c.519 §8; repealed by 1979 c.190 §431 and 1979 c.713 §3]

252.170 [1965 c.519 §9; repealed by 1979 c.190 §431 and 1979 c.713 §3]

252.180 [1965 c.519 §10; 1975 c.675 §27; repealed by 1979 c.190 §431 and 1979 c.713 §3]

252.190 [1965 c.519 §11; 1977 c.829 §15; repealed by 1979 c.190 §431 and 1979 c.731 §3]

252.200 [1965 c.519 §12; repealed by 1979 c.190 §431 and 1979 c.713 §3]

252.205 [1965 c.519 §13; repealed by 1979 c.190 §431 and 1979 c.713 §3]

252.210 [Repealed by 1961 c.624 §8 and 1965 c.519 §15]

252.220 [Repealed by 1961 c.624 §8 and 1965 c.519 §15]

252.230 [Repealed by 1961 c.624 §8 and 1965 c.519 §15]

252.240 [Repealed by 1961 c.624 §8 and 1965 c.519 §15]

252.250 [Repealed by 1961 c.624 §8 and 1965 c.519 §15]

252.255 [1955 c.108 §2; repealed by 1961 c.624 §8 and 1965 c.519 §15]

252.260 [Repealed by 1961 c.624 §8 and 1965 c.519 §15]

252.270 [Repealed by 1961 c.624 §8 and 1965 c.519 §15]

252.310 [Repealed by 1965 c.137 §1]

252.320 [Repealed by 1965 c.137 §1]

252.330 [Repealed by 1965 c.137 §1]

252.340 [Repealed by 1965 c.137 §1]

252.350 [Repealed by 1965 c.137 §1]

252.355 [Repealed by 1965 c.137 §1]

252.360 [Repealed by 1965 c.137 §1]

252.370 [Repealed by 1965 c.137 §1]

252.510 [1953 c.87 §1; repealed by 1979 c.190 §431]

252.520 [1953 c.87 §2; 1979 c.519 §24; repealed by 1979 c.190 §431]

252.530 [1953 c.87 §3; 1957 c.311 §6; repealed by 1979 c.190 §431]

252.540 [1953 c.87 §4; repealed by 1979 c.190 §431]

252.550 [1953 c.87 §5; 1957 c.311 §7; repealed by 1979 c.190 §431]

252.555 [1955 c.169 §4; 1957 c.311 §8; 1977 c.829 §16; repealed by 1979 c.190 §431]

252.560 [1953 c.87 §6; 1957 c.311 §9; repealed by 1979 c.190 §431]

252.570 [1953 c.87 §7; repealed by 1979 c.190 §431]

252.610 [1969 c.353 §1; repealed by 1979 c.190 §431]

252.620 [1969 c.353 §2; repealed by 1979 c.190 §431]

252.630 [1969 c.353 §3; repealed by 1979 c.190 §431]

252.640 [1969 c.353 §4; repealed by 1979 c.190 §431]

252.650 [1969 c.353 §5; 1977 c.829 §17; repealed by 1979 c.190 §431]

252.660 [1969 c.353 §6; repealed by 1979 c.190 §431]

252.670 [1969 c.353 §7; repealed by 1979 c.190 §431]

252.810 [1961 c.93 §2; 1979 c.190 §114; 1979 c.587 §5; renumbered 249.072]

252.820 [1967 c.65 §2; repealed by 1979 c.190 §431]

252.830 [1973 c.283 §6; repealed by 1979 c.190 §431]

252.840 [1977 c.508 §14; repealed by 1979 c.190 §431]

252.990 [Repealed by 1965 c.137 §1]

ELECTIONS

Chapter 253

1991 EDITION

Absent Electors

GENERAL PROVISIONS

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| 253.005 | Definitions | 253.515 | Long term absent elector procedures to conform to absentee ballot procedures |
| 253.015 | Becoming absent elector | 253.530 | Voting by spouse and dependents of long term absent elector |
| 253.030 | Application for ballot; primary elections; application of frail or disabled elector | 253.540 | Application for ballot by long term absent elector |
| Note | "Primary election" defined--1991 c.168 §3 | 253.545 | County clerk duties upon receipt of application; application as registration |
| 253.040 | Receipt of application for absentee ballot; list of absent electors | 253.550 | Applications made under federal statutes |
| 253.045 | Preparation and disposition of ballots | 253.565 | Application for special ballot by long term absent elector |
| 253.055 | Form and content of ballot | 253.575 | County clerk duties upon receipt of application for special ballot; replacement ballots |
| 253.065 | Delivery of ballot; form of envelope; replacement ballots | 253.640 | State officers to coordinate voting by long term absent electors with federal authorities |
| 253.070 | Marking and returning ballot | 253.645 | Electors called to active military duty |
| 253.080 | Duties of clerk on receipt of ballot | 253.700 | Duty to challenge absentee ballot; procedures |
| 253.085 | Special counting boards; counting ballots not delivered to regular election boards | 253.710 | Alteration of application prohibited; exceptions |
| 253.090 | Procedure for verifying ballot | 253.995 | Penalties |
| 253.095 | Rejected ballots | | |
| 253.100 | Opening envelopes; disposition of ballot; entry in poll book | | |
| 253.120 | Right of elector receiving absentee ballot to vote in person | | |
| 253.135 | Special absent elector procedures | | |
| | LONG TERM ABSENTEE ELECTORS | | CROSS REFERENCES |
| 253.500 | Construction of long term absent elector's law | | Suffrage and elections, Const. Art. II |
| 253.510 | Definitions for ORS 253.500 to 253.640 | | |

ELECTIONS

GENERAL PROVISIONS

253.005 Definitions. As used in this chapter:

- (1) "Clerk" means the county clerk.
- (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. [1979 c.190 §201; 1979 c.317 §10a]

253.010 [Amended by 1957 c.641 §1; 1959 c.458 §1; 1969 c.676 §1; 1975 c.675 §28; 1977 c.352 §5; 1979 c.317 §10; repealed by 1979 c.190 §431]

253.015 Becoming absent elector. An elector may become an absent elector when the elector has reason to believe that the elector will be unable for any reason to vote at the election. [1979 c.190 §202]

253.020 [Amended by 1957 c.641 §2; repealed by 1979 c.190 §431]

253.030 Application for ballot; primary elections; application of frail or disabled elector. (1) Before an election any elector may apply to the clerk for the absentee ballot of the election.

(2) An application for an absentee ballot must:

- (a) Be in writing and signed by the applicant;
- (b) Be received by the clerk not later than 8 p.m. the day of the election; and

(c) If the applicant desires to vote in a primary election, designate the applicant's political party affiliation or contain a statement that the applicant is not affiliated with any political party. An applicant not affiliated with any political party may request a ballot for a major political party. The applicant shall be sent the ballot for the political party that the applicant requested if that political party has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party.

(3) Application for an absentee ballot may be made by using a facsimile machine. As used in this subsection, "facsimile machine" means a machine that electronically transmits or receives facsimiles of documents through connection with a telephone network.

(4) If an elector is frail or disabled, the elector's application shall be valid for every subsequent election until the elector otherwise notifies the clerk or is no longer an elector of the county. For purposes of this subsection, an elector is "frail" if the elector has a condition or disease that makes the use of walking as a means of transportation impossible or impractical. [Amended by 1957 c.641

§3; 1959 c.458 §2; 1969 c.676 §2; 1975 c.675 §29; 1977 c.179 §3; 1979 c.190 §203; 1985 c.471 §8; 1987 c.719 §6; 1989 c.503 §36; 1991 c.107 §4; 1991 c.168 §11

Note: Section 3, chapter 168, Oregon Laws 1991, provides:

Sec. 3. "Primary election" defined. As used in ORS 253.030 and 253.540, "primary election" means a presidential or a biennial primary election. [1991 c.168 §3]

253.035 [1969 c.676 §5; 1977 c.352 §6; repealed by 1979 c.190 §431]

253.040 Receipt of application for absentee ballot; list of absent electors. When an application for an absentee ballot is received the clerk shall enter the name and residence address of the absent elector and the address, if any, to which the ballot is to be delivered upon a list kept by the clerk. The clerk also shall enter the date of receiving the application, the date of delivering the ballot, the date of receiving the ballot from the absent elector and other information necessary or advisable. The clerk shall keep a separate list for each precinct. [Amended by 1957 c.641 §4; 1959 c.458 §3; 1975 c.675 §30; 1977 c.508 §10; 1979 c.190 §204; 1991 c.107 §6]

253.045 Preparation and disposition of ballots. (1) The clerk shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, but not later than:

- (a) The 28th day before an election held on the last Tuesday in June; or
- (b) The 40th day before any other election.

(2) The initials of the clerk may be placed on each ballot stub to identify it as an absentee ballot. The ballot stubs of each set of ballot forms containing the same information may be numbered consecutively. The clerk shall be responsible for the safekeeping and disposition of the ballots, and shall destroy all unused ballots as soon as practicable after the closing of the polls on election day. [1979 c.190 §205; 1981 c.173 §30; 1989 c.923 §1; 1991 c.71 §7; 1991 c.107 §7]

253.050 [Repealed by 1957 c.641 §231]

253.055 Form and content of ballot. (1) Absentee ballots may be the regular ballots used at the election or special ballots and, except as provided in subsections (2) and (3) of this section, shall be in substantially the same form as the regular ballots used at the election.

(2) In counties in which voting machines are used, paper ballots may be used as absentee ballots.

(3) Ballot stubs are not required on absentee ballots.

(4) The ballot delivered to each absent elector shall contain the names and other

information concerning all candidates and the information concerning all measures for which the absent elector is entitled to vote. In lieu of the names and other information concerning candidates for precinct committee person, blank spaces shall be provided on the ballot, in which the absent elector may write the name of a candidate for that office. [1979 c.190 §206; 1991 c.107 §8]

253.060 [Repealed by 1957 c.641 §23]

253.065 Delivery of ballot; form of envelope; replacement ballots. (1) As soon as the absentee ballots are printed the clerk shall deliver a ballot to each long term absent elector. Otherwise, the absentee ballots shall be delivered not later than the deadline described in ORS 253.045. The ballot may be delivered to the absent elector in the office of the clerk, by postage prepaid mail, or by any other appropriate means. Ballots mailed to electors in foreign countries shall be sent by air mail.

(2) The clerk shall deliver with the ballot instructions for marking and returning the ballot and an envelope to use for the return. The name, official title and office address of the clerk shall appear on the front of the envelope. On the back shall appear a statement to be signed by the absent elector, stating that the elector:

- (a) Is qualified to vote;
- (b) Unless prevented by physical disability, has personally marked the ballot; and
- (c) Has not unnecessarily exhibited the marked ballot to any other person.

(3) Notwithstanding subsection (1) of this section, if the county clerk receives an application for an absentee ballot after the fifth day before an election, the county clerk need not mail the ballot for that election but may deliver the ballot by making it available in the office of the clerk.

(4) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not received by the elector. An elector seeking a replacement ballot shall sign a statement that the ballot was destroyed, spoiled, lost or not received and present the statement to the county clerk. The county clerk shall keep a record of each replacement ballot provided under this subsection.

(5) A replacement ballot may be mailed not later than the fifth day before the date of the election. After the fifth day before the date of an election, the county clerk shall deliver the ballot by making it available in the office of the county clerk.

(6) If the county clerk determines that an elector to whom a replacement ballot has been issued at the request of the elector has voted more than once, the county clerk shall

not count any ballot cast by the elector. If the county clerk is required to reissue ballots due to a change on the ballot for any reason, that ballot shall be counted in lieu of any previous ballot issued unless:

(a) Only the original ballot was voted and returned; or

(b) The county clerk issued a supplemental ballot that is not a complete replacement of the original ballot. [1979 c.190 §207; 1981 c.485 §1; 1989 c.923 §22; 1991 c.719 §50]

253.070 Marking and returning ballot. Upon receipt of a ballot the absent elector shall mark it and comply with the instructions provided with the ballot. The absent elector may return the marked ballot to the office of the clerk, by any appropriate means. The ballot must be received by the clerk not later than 8 p.m. of the day of the election. [Amended by 1957 c.641 §5; 1969 c.676 §3; 1979 c.190 §204]

253.080 Duties of clerk on receipt of ballot. Upon receipt of an envelope containing a marked absentee ballot, the clerk shall keep it safely in the office and, before delivering the ballot for counting shall compare the signature of the absent elector which appears on the back of the absentee ballot envelope with that upon the applicant's registration card. If the signatures appear to be the same, the envelope shall be marked in order to indicate to the election board or special counting board that it may count the ballot. The clerk then shall deliver the valid ballot to the proper election board before closing of the polls or to a special counting board appointed under ORS 253.085. [Amended by 1957 c.641 §6; 1961 c.92 §1; 1979 c.190 §209; 1991 c.107 §9]

253.085 Special counting boards; counting ballots not delivered to regular election boards. (1) The county clerk shall appoint as many special counting boards as may be necessary to conduct the count of absentee ballots not delivered to the election boards. Each member of a special counting board shall be an elector of the county, but no member shall be a candidate for any office at the election. The members of a special counting board shall not all be members of the same political party. Each member of a special counting board shall be compensated at not less than the rate of a member of a regular election board at the election.

(2) The special counting boards may begin to count the absentee ballots as soon as the poll books used at the election are delivered to the counting board and shall complete the count not later than the third day after the date of the election. Except as otherwise provided in this chapter, the absentee ballots shall be counted and returns shall be made in as nearly as possible the

same manner as other ballots cast at the election. [Amended by 1957 c.641 §8; 1961 c.163 §1; 1979 c.190 §210]

253.090 Procedure for verifying ballot.

(1) The election board or special counting board shall verify the legality of each absentee ballot delivered to the board for counting by determining if the clerk's initials are on the absent elector's statement and by examining the poll book to see that the absent elector has not voted in person.

(2) If the clerk's initials do not appear on an absentee ballot delivered to an election board or special counting board, the ballot shall be returned unopened to the clerk who shall determine if the ballot should be counted. If the clerk determines that the ballot should be counted, the ballot shall be returned to the board with appropriate instructions. [Amended by 1957 c.641 §9; 1961 c.92 §2; 1979 c.190 §211]

253.095 Rejected ballots. If an absentee ballot is not counted, the person who determines that the ballot should not be counted shall mark "rejected" across the front of the envelope. The envelope shall not be opened. The envelope and ballot shall be retained in the same manner as defective regular ballots voted at the election. [1979 c.190 §212]

253.100 Opening envelope; disposition of ballot; entry in poll book. When the election board or special counting board has verified the legality of the absentee ballot, a member of the board, without unfolding or permitting the ballot to be opened or examined, shall remove the ballot from the envelope, detach the stub and process the stub and ballot in the same manner as other ballots cast at the election. A member of the board shall write in the poll book that the absent elector voted at the election with an absentee ballot. [Amended by 1957 c.641 §10; 1979 c.190 §213]

253.110 [Amended by 1957 c.641 §11; repealed by 1979 c.190 §431]

253.120 Right of elector receiving absentee ballot to vote in person. An elector may vote in person even though an absentee ballot has been delivered to the elector, if the elector has not voted and returned the absentee ballot. If the elector returns the ballot to the election board, the election board shall mark the envelope "canceled" and place it in the ballot box with other ballots cast at the election. [Amended by 1957 c.641 §12; 1979 c.190 §214; 1991 c.107 §10]

253.130 [Repealed by 1955 c.332 §20]

253.135 Special absent elector procedures. (1) This section is enacted to carry out the provisions of section 17, Article II of the Oregon Constitution. An elector who, on the day of an election, will be absent from

the county in which the elector is registered may obtain a certificate of registration from the clerk of the county in which the elector is registered. Application for the certificate shall be in writing.

(2) Upon presentation of a certificate of registration issued under subsection (1) of this section to the election board of any precinct in this state, the elector shall be permitted to vote for all state and district offices and measures that appear on that precinct's ballot and for which the elector would have been permitted to vote in the precinct in which the elector is registered. The election board to whom the certificate is presented shall return the certificate to the clerk who issued it.

(3) This section does not apply to persons registered under ORS 247.410 and 247.420. [1979 c.190 §215]

253.140 [Repealed by 1979 c.190 §431]

253.150 [Repealed by 1979 c.190 §431]

253.160 [1969 c.261 §3; 1979 c.510 §25; repealed by 1979 c.190 §431]

253.210 [Amended by 1957 c.641 §13; 1961 c.114 §14; repealed by 1979 c.190 §431]

253.300 [1971 c.27 §2; 1979 c.190 §56; renumbered 247.435]

253.310 [1971 c.27 §3; repealed by 1979 c.190 §431]

253.320 [1971 c.27 §4; repealed by 1979 c.190 §431]

253.330 [1971 c.27 §5; repealed by 1979 c.190 §431]

LONG TERM ABSENT ELECTORS

253.500 Construction of long term absent elector's law. ORS 253.500 to 253.640 shall be liberally construed so that all long term absent electors may be given an opportunity to fully exercise their voting rights. [Formerly 253.670]

253.510 Definitions for ORS 253.500 to 253.640. As used in ORS 253.500 to 253.640, "long term absent elector" means a resident of this state absent from the place of residence and;

(1) Serving in the Armed Forces of the United States, or

(2) Serving in the Merchant Marine of the United States, or

(3) Temporarily living outside the territorial limits of the United States and the District of Columbia. [1955 c.332 §1; 1957 c.641 §14; 1969 c.261 §1; 1979 c.190 §217]

253.515 Long term absent elector procedures to conform to absentee ballot procedures. Except as otherwise provided in ORS 253.500 to 253.640, procedures relating to long term absent electors' ballots and special absentee ballots shall be as nearly as possible the same as for other absentee ballots. [1979 c.190 §218; 1985 c.720 §4]

253.520 [1955 c.332 §3; 1969 c.261 §4; repealed by 1979 c.190 §431]

253.530 Voting by spouse and dependents of long term absent elector. (1) A spouse or dependent of a long term absent elector, temporarily living outside the county or city in which is situated the last home residence in this state of the spouse or dependent, may vote in the same manner as a long term absent elector.

(2) A spouse or dependent of a long term absent elector, not previously a resident of this state who intends to reside in this state, shall be considered a resident of this state for voting purposes, and may vote in the same manner as a long term absent elector. The spouse or dependent shall be considered to have resided for more than 30 days at the last residence of the long term absent elector in this state. [1955 c.332 §16; 1957 c.641 §15; 1965 c.153 §1; 1977 c.508 §11; 1979 c.190 §219]

253.540 Application for ballot by long term absent elector. (1) Any long term absent elector may secure an absentee ballot by submitting an application as specified in subsection (2) of this section to the clerk of the county of the long term absent elector's residence, or to the Secretary of State. If the application is addressed to the Secretary of State, the secretary shall forward it to the appropriate county clerk.

(2) An application for an absentee ballot by a long term absent elector shall be made in the form of a written request. The application shall be valid for every subsequent election until the elector otherwise notifies the clerk or is no longer an elector of the county. The application shall be signed by the applicant and contain:

(a) The name and current mailing address of the applicant;

(b) A statement that the applicant is a citizen of the United States;

(c) A statement that the applicant will be 18 years of age or older on the date of the election;

(d) A statement that for more than 20 days preceding the election the applicant's home residence has been in this state, and giving the address of the last home residence;

(e) A statement of the facts that qualify the applicant as a long term absent elector or as the spouse or a dependent of a long term absent elector;

(f) A statement that the applicant is not requesting a ballot from any other state and is not voting in any other manner in the election except by the requested absentee ballot; and

(g) If the applicant desires to vote in a primary election, a designation of the applicant's political party affiliation or a statement that the applicant is not affiliated with any political party. An applicant not affiliated with any political party may request a ballot for a major political party. The applicant shall be sent the ballot for the political party that the applicant requested if that political party has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party. [1955 c.332 §§7, 8; 1957 c.641 §16; 1973 c.827 §25; 1975 c.675 §31; 1979 c.190 §220; 1979 c.519 §26; 1987 c.719 §7; 1991 c.168 §2]

253.545 County clerk duties upon receipt of application; application as registration. (1) Upon receipt of an application made under ORS 253.540 the county clerk, without regard to whether the applicant is an elector of the county, shall mail the materials prescribed in ORS 253.065 to the applicant.

(2) The completed and signed statement on the envelope containing a long term absent elector's ballot shall constitute a valid registration for the election for which the ballot is submitted.

(3) Notwithstanding subsection (1) of this section, if the county clerk receives an application from a long term absent elector after the fifth day before an election, the county clerk need not mail the ballot for that election but may deliver the ballot by making it available in the office of the clerk. [1979 c.190 §221; 1981 c.485 §2]

253.550 Applications made under federal statutes. Whenever provision is made for absentee voting by a statute of the United States, including the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff (Public Law 99-410), an application for an absentee ballot made under that law may be given the same effect as an application for an absentee ballot made under ORS 253.500 to 253.640. [1955 c.332 §2; 1979 c.190 §222; 1991 c.71 §12]

253.560 [1955 c.332 §9; 1957 c.641 §17; repealed by 1979 c.190 §431]

253.565 Application for special ballot by long term absent elector. (1) Any long term absent elector may secure a special absentee ballot for a primary or general election by making an application under this section if the elector believes that:

(a) The elector will be residing, stationed or working outside the territorial limits of the United States and the District of Columbia; and

(b) The elector will be unable to vote and return a regular absentee ballot by normal

mail delivery within the period provided for regular absentee ballots.

(2) A long term absent elector shall make the application for a special absentee ballot in the form of a written request. The elector shall submit the application before the date of the applicable election to the clerk of the county of the long term absent elector's residence or to the Secretary of State. If the application is addressed to the Secretary of State, the secretary shall forward it to the appropriate county clerk. The application shall be signed by the applicant and contain:

(a) The name and current mailing address of the applicant;

(b) A designation of the election for which the applicant requests a special absentee ballot;

(c) A statement that the applicant is a citizen of the United States;

(d) A statement that the applicant will be 18 years of age or older on the date of the election;

(e) A statement that for more than 20 days preceding the election the applicant's home residence has been in this state, and giving the address of the last home residence;

(f) A statement of the facts that qualify the applicant as a long term absent elector or as the spouse or a dependent of a long term absent elector;

(g) A statement of the facts that qualify the applicant to vote by means of a special absentee ballot;

(h) A statement that the applicant is not requesting a ballot from any other state and is not voting in any other manner in the election except by the requested special absentee ballot; and

(i) If the applicant requests a ballot for a primary election, a designation of the applicant's political party affiliation or a statement that the applicant is not affiliated with any political party. An applicant not affiliated with any political party may request a ballot for a major political party. The applicant shall be sent the ballot for the political party that the applicant requested if that political party has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party.

(3) An application for a special absentee ballot shall be valid only for the election specified in the application.

(4) The county clerk shall list on the special absentee ballot the offices and measures scheduled to appear on the regular ballot, if known when the ballot is prepared,

and provide space in which the elector may write in the elector's preference.

(5) The elector may write in the name of any eligible candidate for each office to be filled or for which nominations will be made at the election, and may vote on any measure submitted at the election. [1985 c.720 §2; 1987 c.719 §8; 1989 c.503 §38]

Note: The amendments to 253.565 by section 25, chapter 719, Oregon Laws 1987, and section 39, chapter 503, Oregon Laws 1989, are repealed January 1, 1994. See section 19, chapter 719, Oregon Laws 1987, and section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

253.565. (1) Any long term absent elector may secure a special absentee ballot for a presidential or biennial primary or general election by making an application under this section if the elector believes that:

(a) The elector will be residing, stationed or working outside the territorial limits of the United States and the District of Columbia; and

(b) The elector will be unable to vote and return a regular absentee ballot by normal mail delivery within the period provided for regular absentee ballots.

(2) A long term absent elector shall make the application for a special absentee ballot in the form of a written request. The elector shall submit the application before the date of the applicable election to the clerk of the county of the long term absent elector's residence or to the Secretary of State. If the application is addressed to the Secretary of State, the secretary shall forward it to the appropriate county clerk. The application shall be signed by the applicant and contain:

(a) The name and current mailing address of the applicant;

(b) A designation of the election for which the applicant requests a special absentee ballot;

(c) A statement that the applicant is a citizen of the United States;

(d) A statement that the applicant will be 18 years of age or older on the date of the election;

(e) A statement that for more than 20 days preceding the election the applicant's home residence has been in this state, and giving the address of the last home residence;

(f) A statement of the facts that qualify the applicant as a long term absent elector or as the spouse or a dependent of a long term absent elector;

(g) A statement of the facts that qualify the applicant to vote by means of a special absentee ballot;

(h) A statement that the applicant is not requesting a ballot from any other state and is not voting in any other manner in the election except by the requested special absentee ballot; and

(i) If the applicant requests a ballot for a presidential or biennial primary election, a designation of the applicant's political party affiliation or a statement that the applicant is not affiliated with any political party. An applicant not affiliated with any political party may request a ballot for a major political party. The applicant shall be sent the ballot for the political party that the applicant requested if that political party has provided under ORS 254.365 for a presidential or biennial primary election that admits electors not affiliated with any political party.

(3) An application for a special absentee ballot shall be valid only for the election specified in the application.

(4) The county clerk shall list on the special absentee ballot the offices and measures scheduled to ap-

pear on the regular ballot, if known when the ballot is prepared, and provide space in which the elector may write in the elector's preference.

(5) The elector may write in the name of any eligible candidate for each office to be filled or for which nominations will be made at the election, and may vote on any measure submitted at the election.

253.570 [1955 c.332 §11; 1957 c.641 §18; repealed by 1979 c.190 §431]

253.575 County clerk duties upon receipt of application for special ballot; replacement ballots. (1) Upon receipt of an application made under ORS 253.565 the county clerk, without regard to whether the applicant is an elector of the county, shall mail to the applicant, by airmail, a special absentee ballot, instructions for filling in and returning the ballot and an envelope to use for the return. The name, official title and office address of the clerk shall appear on the front of the envelope. On the back shall appear a statement to be signed by the absent elector, stating that the elector:

- (a) Is qualified to vote;
- (b) Unless prevented by physical disability, has personally marked the ballot; and
- (c) Has not unnecessarily exhibited the marked ballot to any other person.

(2) The completed and signed statement on the envelope containing a special absentee ballot shall constitute a valid registration for the election for which the ballot is submitted.

(3) If the county clerk receives an application for a special absentee ballot on or after the 40th day before the election specified in the application, the county clerk shall treat the application as an application made under ORS 253.540.

(4) A long term absent elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not received by the elector. An elector seeking a replacement ballot shall sign a statement that the ballot was destroyed, spoiled, lost or not received and present the statement to the county clerk. The county clerk shall keep a record of each replacement ballot provided under this subsection.

(5) Notwithstanding subsection (3) of this section, a replacement ballot may be mailed not later than the fifth day before the date of the election. After the fifth day before the date of an election, the county clerk shall deliver the ballot by making it available in the office of the county clerk.

(6) If the county clerk determines that a long term absent elector to whom a replacement ballot has been issued at the request of the elector has voted more than once, the county clerk shall not count any ballot cast by the elector. If the county clerk is required

to reissue ballots due to a change on the ballot for any reason, that ballot shall be counted in lieu of any previous ballot issued unless:

(a) Only the original ballot was voted and returned; or

(b) The county clerk issued a supplemental ballot that is not a complete replacement of the original ballot. [1985 c.720 §3; 1989 c.923 §2; 1991 c.719 §51]

253.580 [1955 c.332 §14; 1957 c.641 §19; repealed by 1979 c.190 §431]

253.590 [1955 c.332 §12; repealed by 1979 c.190 §431]

253.600 [1955 c.332 §13; repealed by 1979 c.190 §431]

253.610 [1955 c.332 §6; 1957 c.641 §20; repealed by 1979 c.190 §431]

253.620 [1955 c.332 §15; 1957 c.641 §21; repealed by 1979 c.190 §431]

253.630 [1955 c.332 §10; repealed by 1957 c.641 §23]

253.640 State officers to coordinate voting by long term absent electors with federal authorities. All public officers having duties under ORS 253.500 to 253.640 shall coordinate their efforts with any federal authority to facilitate voting by long term absent electors, so that these electors may cast their ballots with the least possible interference with the performance of their duties. [1955 c.332 §4; 1979 c.190 §223]

253.645 Electors called to active military duty. In the event of a national emergency, the Secretary of State shall assure that any elector called to active military duty is not unnecessarily denied the opportunity to vote simply because of military duty. [1991 c.71 §14]

253.650 [1955 c.332 §17; 1957 c.641 §22; repealed by 1979 c.190 §431]

253.660 [1955 c.332 §5; repealed by 1957 c.641 §23]

253.670 [1955 c.332 §19; 1979 c.190 §216; renumbered 253.500]

253.700 Duty to challenge absentee ballot; procedures. (1) The county clerk, a member of the election board or special counting board or any elector shall challenge the absentee ballot of any person offering to vote as an absent elector whom the clerk, member or elector knows or suspects not to be qualified as an elector. The person's ballot may be challenged at any time before the ballot is removed from its return envelope for processing.

(2) The clerk, member or elector who challenges the absentee ballot of a person offering to vote shall make, under oath or affirmation before a member of the election board or special counting board, a written statement of challenge on a numbered challenge form. The statement shall contain the name and residence address of the challenger, the name of the person challenged and a statement of the facts upon

which the challenge is based. Any election official or member of an election board or special counting board may administer the oath or affirmation required under this subsection. [1985 c.808 §32]

253.710 Alteration of application prohibited; exceptions. No person shall alter any information supplied on an application for an absentee ballot except:

(1) An election officer in the performance of official duties.

(2) The applicant. [1985 c.808 §33]
253.990 (Subsection (2) enacted as 1955 c.332 §14; repealed by 1979 c.190 §431)

253.995 Penalties. Violation of ORS 253.710 is a Class C felony. [1985 c.808 §34]

ELECTIONS

Chapter 254

1991 EDITION

Conduct of Elections

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ELECTIONS

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CROSS REFERENCES

Election of certain county officers, 204.005
 Election of Governor, Const. Art. V, §§4 to 6
 Election to determine whether city shall issue bonds for construction of interstate bridge, 381.611

GENERAL PROVISIONS

254.005 Definitions. As used in this chapter:

(1) "Ballot" means any material on which votes may be cast for candidates or measures.

(2) "Ballot label" means the material containing the names of candidates or the measures to be voted on.

(3) "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.

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

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

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

(7) "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.

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

(9) "Nonpartisan office" means the office of judge of the Supreme Court, Court of Appeals, circuit or district court or the Oregon Tax Court, Superintendent of Public Instruction, executive officer or councilor of a metropolitan service district under ORS chapter 268, justice of the peace, sheriff or district attorney.

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

(11) "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).

(12) "Voting machine" means:

(a) Any device which will record every vote cast on candidates and measures and which will either internally or externally total all votes cast on that device.

(b) Any device into which a ballot may be inserted and which is so designed and constructed that the vote for any candidate or measure may be indicated by punching or marking the ballot.

(13) "Vote tally system" means one or more pieces of equipment necessary to examine and tally automatically the marked or punched ballots. [1979 c.190 §224; 1983 c.392 §5; 1983 c.567 §15; 1985 c.324 §2; 1987 c.707 §16]

254.010 [Repealed by 1957 c.608 §231]

254.015 [1973 c.283 §4; 1977 c.487 §1; repealed by 1979 c.190 §431]

254.016 Elections conducted under this chapter. Any primary, general 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]

254.020 [Repealed by 1957 c.608 §231]

254.025 Construction of statutes. (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]

Note: The amendments to 254.025 by section 37, 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.

254.025. (1) Statutes applicable to presidential and biennial primary elections shall be construed as though those primary elections are separate elections for each major political party nominating candidates.

(2) The presidential and biennial primary elections shall be conducted as nearly as possible according to the theory expressed in the preamble to chapter 1, Oregon Laws 1905.

254.030 [Amended by 1957 c.608 §167; 1961 c.80 §1; 1969 c.42 §1; repealed by 1979 c.190 §431]

254.035 Cities to hold elections for officers at same time and place as state and county elections. It is the intention of the legislature to carry out the provisions of section 14-a, Article II, Oregon Constitution. All elections for city officers shall be held at the same time and place as elections for state and county officers. The election boards for state and county elections shall be the election boards for the city elections. Unless a city charter or ordinance provides otherwise, the ballots and ballot labels used for state and county elections, if the county

clerk considers it practicable, shall be arranged to include city offices and measures. [Formerly 250.230]

254.040 [Amended by 1957 c.608 §168; 1959 c.177 §2; 1967 c.141 §1; 1969 c.42 §2; repealed by 1973 c.392 §1 (254.042 enacted in lieu of 254.040)]

254.042 [1973 c.392 §2 (enacted in lieu of 254.040); 1975 c.627 §1; 1977 c.487 §2; repealed by 1979 c.190 §431]

254.045 [1967 c.141 §§3, 4; repealed by 1973 c.392 §4]

254.046 Expense of city election. If a city holds a special election on a date other than the primary or general election, it shall bear the expense of the election. [1979 c.190 §228]

Note: The amendments to 254.046 by section 38, 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.

254.046. If a city holds a special election on a date other than the biennial primary or general election, it shall bear the expense of the election.

254.050 [Repealed by 1957 c.608 §231]

254.055 [1973 c.481 §2; 1979 c.190 §145; 1979 c.345 §3; renumbered 250.065]

254.056 Date and purpose of general and primary elections. (1) The general election shall be held on the first Tuesday after the first Monday in November of each even-numbered year. 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. [1979 c.190 §229; 1979 c.316 §20a]

Note: The amendments to 254.056 by section 1, 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.

254.056. (1) The general election shall be held on the first Tuesday after the first Monday in November of each even-numbered year. 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 biennial primary election shall be held on the third Tuesday in May of each even-numbered year. At the biennial primary election, precinct committeepersons shall be elected and major political party candidates other than candidates for President of the United States shall be nominated for offices to be filled at the general election held in that year.

(3) The presidential primary election shall be held on the fourth Tuesday of March of each year in which electors of the President and Vice President are to be elected. At the presidential primary election, electors may vote for candidates for nomination for President of the United States.

Note: Sections 81 and 82, chapter 267, Oregon Laws 1987, provide:

Sec. 81. If a presidential primary election held on the fourth Tuesday in March of each year in which electors of the President and Vice President are elected is held in at least three of the states of Alaska, Idaho, Montana, Washington and Wyoming, then a presidential primary election as provided in this Act [chapter 267, Oregon Laws 1987] shall be held in this state. [1987 c.267 §81]

Sec. 82. This Act is repealed on January 1, 1994. [1987 c.267 §82]

254.060 [Amended by 1953 c.350 §4; 1957 c.608 §169; 1967 c.364 §1; 1967 s.s. c.3 §1; 1973 c.481 §1; repealed by 1979 c.190 §431]

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.

(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]

254.068 Simulated election for individuals under 18 years of age. On the date of any election, the county clerk may conduct a simulated election. As used in this section, "simulated election" means a demonstration election held for individuals under 18 years of age for the purpose of encouraging future voter participation. [1991 c.436 §2]

254.070 [Amended by 1953 c.350 §4; 1957 c.608 §170; 1967 c.634 §7; 1973 c.481 §3; 1977 c.468 §1; repealed by 1979 c.190 §431]

254.073 [1967 c.364 §3; 1967 s.s. c.3 §2; 1977 c.468 §2; 1979 c.190 §146; 1979 c.345 §14; renumbered 250.075]

254.075 [1967 c.364 §4; repealed by 1967 s.s. c.3 §4]

PREPARATORY PROCEDURES

254.076 Register of candidates for nomination. The chief elections officer shall keep a register of candidates for nomination at the primary election. The register, if applicable, shall contain for each major political party:

(1) The title of each office for which the major political party will nominate candidates at the primary election.

(2) The name and residence mailing address of each candidate for nomination at the primary election.

(3) The name of the major political party with which the candidate is registered as affiliated.

(4) The date of filing of the prospective petition for nomination of the candidate.

(5) The date of filing of the completed petition for nomination of the candidate, the number of valid signatures contained and the number of signatures required.

(6) The date of filing of the declaration of candidacy of the candidate.

(7) Such other information as may aid the chief elections officer in arranging the official ballot or ballot label for the primary election. [Formerly 249.070]

Note: The amendments to 254.076 by section 39, 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.

254.076. The chief elections officer shall keep a register of candidates for nomination at the presidential and biennial primary elections. The register, if applicable, shall contain for each major political party:

(1) The title of each office for which the major political party will nominate candidates at the presidential and biennial primary elections.

(2) The name and residence mailing address of each candidate for nomination at the presidential and biennial primary elections.

(3) The name of the major political party with which the candidate is registered as affiliated.

(4) The date of filing of the prospective petition for nomination of the candidate.

(5) The date of filing of the completed petition for nomination of the candidate, the number of valid signatures contained and the number of signatures required.

(6) The date of filing of the declaration of candidacy of the candidate.

(7) Such other information as may aid the chief elections officer in arranging the official ballot or ballot label for the presidential and biennial primary elections.

254.077 [1967 c.364 §6; 1967 s.s. c.3 §3; 1973 c.481 §4; 1977 c.468 §3; 1979 c.190 §147; 1979 c.345 §5; renumbered 250.085]

254.080 [Amended by 1953 c.359 §4; 1957 c.608 §171; repealed by 1967 c.364 §8]

254.083 [1967 c.364 §6; repealed by 1967 s.s. c.3 §4]

254.085 Secretary of State's statement of candidates for offices to be filled and measures to be voted on. (1) The Secretary of State, not later than the 61st day before the date of a primary or general election, shall prepare and furnish to each county clerk a certified statement of the state and congressional district offices to be filled or for which candidates are to be nominated in the county at the election, information concerning all candidates for the offices, and the state measures to be voted on.

(2) The information concerning candidates for the Supreme Court, Court of Appeals, Oregon Tax Court, circuit court, district court and justice's court shall include a designation of incumbent for each candidate who is the regularly elected or appointed judge of the court to which the candidate seeks election. If a candidate was regularly elected or appointed to a specific position or department on the court or to a specific justice of the peace district, the candidate shall be designated as the incumbent only if the person is a candidate for that position, department or district.

(3) Included with each state measure shall be the measure number, the ballot title prepared by the Attorney General under ORS 250.065 (3) or, if the Supreme Court has reviewed the title under ORS 250.085, the title certified by the court and, if applicable, the financial estimates under ORS 250.125. The Secretary of State shall keep a copy of the statement. [Formerly 250.020; 1985 c.742 §1; 1991 c.971 §8]

Note: Section 16, chapter 971, Oregon Laws 1991, which was added to chapter 267, Oregon Laws 1987, provides:

Sec. 16. "Primary election" defined. As used in ORS 254.085 and 254.145, "primary election" means the biennial primary election. [1991 c.971 §16]

254.090 [Amended by 1953 c.632 §6; repealed by 1979 c.190 §431]

254.095 City elections officers' statements of offices, candidates and measures. (1) The chief elections officer of any city shall prepare and furnish to the county clerk of the county in which the city hall of the city is located, a certified statement of the city offices to be filled or for which candidates are to be nominated at the election and information concerning all candidates for the offices not later than:

(a) The 61st day before the date of an election held on the fourth Tuesday in March, the third Tuesday in May or the first Tuesday after the first Monday in November;

(b) The 47th day before an election held on the third Tuesday in September; or

(c) The 34th day before any other election.

(2) Except as provided in subsection (3) of this section, the chief elections officer of any city shall prepare and furnish to the county clerk of the county in which the city hall is located, a certified statement of the city measures to be voted on, including the ballot title for each measure, not later than:

(a) The 61st day before the date of an election held on the fourth Tuesday in March, the third Tuesday in May or the first Tuesday after the first Monday in November;

(b) The 47th day before an election held on the third Tuesday in September; or

(c) The 34th day before any other election.

(3) If a measure to be submitted to the electors of a city at an election held on the third Tuesday in May or the first Tuesday after the first Monday in November was submitted on the election date in ORS 221.230 (1) immediately preceding the third Tuesday in May or the first Tuesday after the first Monday in November, the chief elections officer of the city shall prepare and furnish the certified statement required for that measure in subsection (2) of this section on the 47th day before an election held on the third Tuesday in May or the first Tuesday after the first Monday in November.

(4) The chief elections officer of the city shall keep a copy of each statement filed under this section.

(5) If a city is located in more than one county, the county clerk under subsection (1) of this section shall immediately certify the statement and information required under subsection (1) of this section to the county clerk of any other county in which the city is located. [Formerly 250.030; 1981 c.639 §2; 1987 c.707 §17; 1987 c.724 §5; 1989 c.503 §13; 1989 c.503 §14; 1989 c.923 §11; 1991 c.71 §8]

254.098 Expenses for change in information certified under ORS 254.085 or 254.095. If, after the deadline for furnishing a certified statement under ORS 254.085 or 254.095, an electoral district requires a change in the information contained in the certified statement, the electoral district for which the change is made shall bear the expenses incurred as a result of the change. As used in this section, "electoral district" means the state in the case of a certified measure furnished under ORS 254.085 and a city in the case of a certified statement furnished under ORS 254.095. [1991 c.74 §2]

254.100 [Amended by 1953 c.632 §6; 1957 c.608 §172; repealed by 1979 c.190 §431]

254.103 Filing of measures referred by county governing body. (1) The governing body of a county shall file with the county clerk each measure referred by the county governing body not later than:

(a) The 61st day before the date of an election held on the fourth Tuesday in March, the third Tuesday in May or the first Tuesday after the first Monday in November;

(b) The 47th day before an election held on the third Tuesday in September; or

(c) The 34th day before any other election.

(2) If a measure to be submitted to the electors of a county at an election held on

the third Tuesday in May or the first Tuesday after the first Monday in November was submitted on the election date in ORS 203.085 (1) immediately preceding the third Tuesday in May or the first Tuesday after the first Monday in November, the county governing body shall file the measure with the county clerk not later than the 47th day before an election held on the third Tuesday in May or the first Tuesday after the first Monday in November. [1983 c.15 §2; 1985 c.808 §35; 1987 c.707 §18; 1989 c.923 §12; 1991 c.71 §9]

254.104 [1953 c.632 §7; repealed by 1979 c.190 §431]

254.105 [1969 c.299 §1, 2; repealed by 1979 c.190 §431]

254.106 [1953 c.632 §5; 1957 c.608 §173; repealed by 1979 c.190 §431]

254.107 [Formerly 250.070; 1981 c.639 §3; repealed by 1983 c.567 §22]

254.108 Numbering county, city and district measures. (1) The county clerk shall number county, city and district measures consecutively, beginning with number 1, in the order in which the measures are filed with the clerk and in a manner that will not confuse county, city or district measures with state measures. The number assigned to each county, city and district measure shall be preceded by a unique county prefix number. The Secretary of State by rule shall assign a prefix number to each county for the purpose of carrying out the provisions of this subsection.

(2) If a district or city is located in more than one county, the district election officer under ORS 255.005 or the county clerk under ORS 254.095 shall immediately certify a district or city measure to the county clerk of any other county in which the district or city is located. [1987 c.724 §4]

254.110 [Repealed by 1979 c.190 §431]

254.115 Official primary election ballot. (1) The official primary election ballot or ballot label shall be styled "Official Primary Nominating Ballot for the _____ Party." and shall state:

(a) The number or name of the precinct and 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) 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, if any, of any measure.

(3) The ballot shall 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, the location of their places of residence shall be printed opposite their names to distinguish one from another. [Formerly 249.354; 1983 c.7 §3; 1983 c.567 §16; 1991 c.971 §9]

Note: The amendments to 254.115 by section 42, chapter 267, Oregon Laws 1987, and by section 10, chapter 971, Oregon Laws 1991, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

254.115. (1) The official biennial primary election ballot or ballot label shall be styled "Official Biennial Primary Nominating Ballot for the _____ Party." and shall state:

(a) The number or name of the precinct and county for which it is intended.

(b) The date of the biennial primary election.

(c) The names of all candidates for nomination at the biennial 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 committee person.

(2) The biennial primary election ballot may include any city, county or nonpartisan office or the number, ballot title and financial estimates under ORS 250.125, if any, of any measure.

(3) The ballot shall 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, the location of their places of residence shall be printed opposite their names to distinguish one from another.

Note: Section 44, chapter 267, Oregon Laws 1987, as amended by section 12, chapter 503, Oregon Laws 1989, and by section 11, chapter 971, Oregon Laws 1991, is repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

Sec. 44. (1) The official presidential primary election ballot or ballot label shall be styled "Official Presidential Primary Nominating Ballot for the Party." and shall state:

(a) The number or name of the precinct and county for which it is intended.

(b) The date of the presidential primary election.

(c) 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 presidential primary election ballot may also include the names of candidates for district boards

and the number, ballot title and financial estimates under ORS 250.125, if any, of any measure.

(3) The name of each candidate 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, the location of their places of residence shall be printed opposite their names to distinguish one from another. [1987 c.267 §44; 1989 c.503 §12; 1991 c.971 §11]

254.120 [Amended by 1957 c.608 §174; 1979 c.317 §12; repealed by 1979 c.190 §431]

254.125 Nominating ballot for candidates to nonpartisan office. 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 or ballot label under the title, and department or position number if any, of the office. The names of candidates who are opposed for election to the Supreme Court, Court of Appeals, Oregon Tax Court, circuit court and district court shall be printed on the ballot before the names of candidates for those offices who are unopposed. The word "incumbent" shall follow the name of each candidate for the Supreme Court, Court of Appeals, Oregon Tax Court, circuit court, district court or justice's 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]

254.130 [Amended by 1957 c.608 §175; 1959 c.457 §7; 1975 c.766 §5a; 1979 c.317 §13; repealed by 1979 c.190 §431]

254.135 Official general or special election ballots; manner of indicating vote. (1) The official general or special election ballot or ballot label shall be styled "Official Ballot" and shall state:

(a) The number or name of the precinct and county for which it is intended.

(b) The date of the election.

(c) The names of all candidates for offices to be filled at the election whose nominations have been made and accepted and who have not died, withdrawn or become disqualified. The ballot or ballot label shall not contain the name of any other person.

(d) The number, ballot title and financial estimates under ORS 250.125, if any, of any measure to be voted on at the election.

(2) The names of candidates for President and Vice President of the United States shall be printed in groups together, under their political party designations. A vote for the candidates for President and Vice President shall be a vote for the group of presidential electors supporting those candidates.

(3) The name of each candidate nominated shall be printed upon the ballot or ballot label in but one place, without regard to how many times the candidate may have been nominated. There shall be added oppo-

site the name of a candidate for other than nonpartisan office the name of the candidate's political party or political designation. The word "incumbent" shall follow the name of each candidate for the Supreme Court, Court of Appeals, Oregon Tax Court, circuit court, district court or justice's court who is designated the incumbent by the Secretary of State under ORS 254.085. If two or more candidates for the same office have the same or similar surnames, the location of their places of residence shall be printed opposite their names to distinguish one from another. [Formerly 250.110; 1983 c.7 §5; 1985 c.742 §3; 1991 c.971 §12]

254.140 [Amended by 1957 c.608 §176; 1973 c.392 §3; repealed by 1979 c.190 §431]

254.145 Design and contents of official ballots. (1) Subject to rotation of candidate names for the primary election, the names of candidates for nomination for or election to each office shall be arranged on the ballot or ballot label in alphabetical order by surname under the designation of the office. The names of candidates for the offices of President and Vice President of the United States, however, shall be arranged in groups. Except as provided in ORS 254.125, 254.135 and this section, no information about the candidate, including any title or designation, other than the candidate's name, shall appear on the ballot. In a precinct in which voting machines are used, spaces shall be provided, either on the ballot or on separate material delivered to the elector with the ballot, in which the elector may write the names of persons for any offices appearing on the ballot label. In other precincts, at the end of the list of candidates for each office shall be a blank space in which the elector may write the name of any person not printed on the ballot. On the left margin of the ballot or ballot label the name of each group or candidate may be numbered. The blank spaces shall not be numbered. A particular number shall not be used to designate more than one candidate at any election.

(2) The names of all candidates for the same office shall be listed in the same column on the ballot or ballot label. If more than one column is needed to list names of all candidates for that office, the names may be arranged in one or more columns in block form. The block shall be set apart by rulings under the title of the office. If a blank space follows the list of candidates, the space shall be in the same column as the names of candidates for that office. If blocks of columns are used, blank spaces shall be included within the ruled block.

(3) In precincts using voting machines, the ballot label shall be clearly marked to

indicate when names of candidates for the office are continued on the following page.

(4) When a measure is submitted to the people, the number, ballot title and financial estimates under ORS 250.125, if any, of each measure shall be printed consecutively by number after the list of candidates. A measure referred by the Legislative Assembly shall be designated "Referred to the People by the Legislative Assembly." A state measure referred by petition shall be designated "Referendum Order by Petition of the People." A state measure proposed by initiative petition shall be designated "Proposed by Initiative Petition."

(5) Each official ballot shall have a removable stub. The stub on the ballots for a precinct shall be numbered consecutively.

(6) The ballot shall be printed to give the elector a clear opportunity to designate the elector's choice for candidates and approval or rejection of measures submitted. In precincts not using voting machines the elector shall indicate a preference by making a cross or check mark inside a voting square corresponding to the candidate or answer for which the elector wishes to vote. A voting square may be printed on the blank, write-in vote spaces. However, the elector is not required to place a mark in the voting square corresponding to a name written in a blank space. On the ballot or ballot label shall be printed words to aid the elector, such as "Vote for one," "Vote for three," and regarding measures, "Yes" and "No." [1979 c.190 §235; 1983 c.253 §2; 1991 c.719 §27; 1991 c.971 §13]

Note: See note under 254.085.

254.150 [Amended by 1979 c.316 §14; repealed by 1979 c.190 §431]

254.155 Rotation of names on primary ballot. (1) This section governs the procedure for determining the order on the ballot of names of candidates for nomination for or election to all offices at the primary election.

(2) Except as provided in subsection (3) of this section, the county clerk shall divide the ballot or ballot label forms for the county into sets so as to provide a substantial rotation of the names and numbers of the candidates. The county clerk shall divide the number of ballot or ballot label forms for the county into sets equal in number to the candidates for nomination for or election to the office having the most candidates. The county clerk shall arrange the sets of forms so the names and numbers of the candidates shall be rotated by removing one name with its number from the top of the list for each nomination or office and placing that name and number at the bottom of the list for each successive set. However, no more than one set shall be used in printing the ballots or ballot labels for use in any one precinct.

(3) The names of the candidates for any office for which an elector may vote for two or more candidates shall not be rotated. [Formerly 249.362; 1983 c.253 §1]

Note: The amendments to 254.155 by section 47, 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.

254.155. (1) This section governs the procedure for determining the order on the ballot of names of candidates for nomination for or election to all offices at the biennial primary election.

(2) Except as provided in subsection (3) of this section, the county clerk shall divide the ballot or ballot label forms for the county into sets so as to provide a substantial rotation of the names and numbers of the candidates. The county clerk shall divide the number of ballot or ballot label forms for the county into sets equal in number to the candidates for nomination for or election to the office having the most candidates. The county clerk shall arrange the sets of forms so the names and numbers of the candidates shall be rotated by removing one name with its number from the top of the list for each nomination or office and placing that name and number at the bottom of the list for each successive set. However, no more than one set shall be used in printing the ballots or ballot labels for use in any one precinct.

(3) The names of the candidates for any office for which an elector may vote for two or more candidates shall not be rotated.

254.160 [Amended by 1957 c.608 §177; 1979 c.190 §142; renumbered 250.025]

254.165 Adjusting ballot when vacancy occurs; notice to Secretary of State. (1) If the filing officer determines that a candidate has died, withdrawn, become disqualified, or that the candidate will not qualify in time for the office if elected, the name of the candidate shall not be printed on the ballots or ballot labels or, if they have already been printed, shall be erased or canceled before the ballots are given to the electors. The name of a candidate nominated to fill a vacancy in nomination or office shall be printed on the ballots or ballot labels or, if they have already been printed, the county clerk shall cause the name to appear on the ballots or ballot labels before the ballots are given to the electors. A filing officer, other than the Secretary of State, shall notify the Secretary of State of any action taken under this section.

(2) As used in this section:

(a) "District" means a district defined in ORS 255.012.

(b) "Filing 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.

(B) County clerk, regarding a candidate for a county office.

(C) County clerk of the county in which the administrative office of the district is located, regarding a candidate for a district

office to be voted on in a district located in more than one county.

(D) County clerk, regarding a candidate for a district office to be voted on in a district situated wholly within the county.

(E) City clerk, auditor or recorder, regarding a candidate for a city office. [Formerly 250.161; 1983 c.514 §12; 1991 c.719 §28]

254.170 [Amended by 1957 c.608 §178; repealed by 1979 c.190 §431]

254.175 Posting of ballot title and financial estimates in lieu of printing on ballot or ballot label. (1) In lieu of printing the complete ballot title and financial estimates, the county clerk may print the caption and the question of the ballot title and the measure number on the ballot or ballot label. If the ballot title and financial estimates are omitted from the ballots or ballot labels, they shall be printed in 14-point type or larger and posted in each voting compartment within view of the elector.

(2) The complete text of each ballot title and financial estimates shall be included with any absent elector's official ballot.

(3) Sample ballots and the publication of any facsimile sample ballots shall include the full text of the ballot title and financial estimates. [Formerly 258.340; 1981 c.173 §31; 1981 c.391 §10; 1985 c.808 §36; 1991 c.971 §14]

254.180 [Amended by 1953 c.150 §2; 1957 c.608 §179; 1979 c.190 §151; renumbered 250.125]

254.185 Printing and furnishing of ballots by county clerk. The county clerk shall print all the required ballots and ballot labels and shall furnish them for use by electors in the county. Only these ballots and ballot labels shall be used in an election. [Formerly 250.080]

254.190 [Repealed by 1979 c.190 §431]

254.195 Ballot specifications and sample ballots; mailing of sample ballots. (1) Official ballots and ballot labels shall be printed in black ink upon good quality material. The primary election ballots or ballot labels shall be of different colors for the major political parties.

(2) Sample ballots shall be prepared for the information of the elector. The sample ballot shall contain the offices, candidates, measures and other information on the ballots or ballot labels of the precincts for which the sample ballot is issued. The sample ballot need not contain the office of, or candidates for, precinct committeeperson. The sample ballots shall be identified as such, and printed on cheaper, colored paper to distinguish them from official ballots. A sample ballot shall not be voted or counted.

(3) The governing body of a city, county or district may mail sample ballots to all electors within the city, county or district to

assist the electors' preparation for voting. [Formerly 250.090; 1981 c.157 §1; 1985 c.471 §9]

Note: The amendments to 254.195 by section 48, 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.

254.195. (1) Official ballots and ballot labels shall be printed in black ink upon good quality material. The presidential and biennial primary election ballots or ballot labels shall be of different colors for the major political parties.

(2) Sample ballots shall be prepared for the information of the elector. The sample ballot shall contain the offices, candidates, measures and other information on the ballots or ballot labels of the precincts for which the sample ballot is issued. The sample ballot need not contain the office of, or candidates for, precinct committee person. The sample ballots shall be identified as such, and printed on cheaper, colored paper to distinguish them from official ballots. A sample ballot shall not be voted or counted.

(3) The governing body of a city, county or district may mail sample ballots to all electors within the city, county or district to assist the electors' preparation for voting.

254.200 [Repealed by 1957 c.608 §231]

254.205 Publication of facsimile of ballot. (1) Except as provided in subsection (2) of this section:

(a) The county clerk shall publish a facsimile, except as to size, of the ballot for the election not later than the fourth day nor before the 15th day before an election. For the primary election, a facsimile of the sample ballot of each major political party shall be published.

(b) The facsimile shall be published in at least one issue of one newspaper in each county with a population of less than 10,000, or in each county in which no more than one newspaper is published. The facsimile shall be published in at least one issue of two newspapers in each county with a population of 10,000 or more in which more than one newspaper is published. The county governing body, at the first regular meeting each year, shall select the newspaper or newspapers of general circulation in the county in which the facsimile shall be published and shall notify the county clerk of the selection.

(c) If the county governing body determines that publication of the facsimile in the newspaper or newspapers selected under paragraph (b) of this subsection does not give sufficient notice of the election, it may select additional newspapers in which the facsimile shall be published at least once. The selection shall be made at the same time, but need not be made in the same manner as provided in paragraph (b) of this subsection. The county governing body shall notify the county clerk of the additional selection.

(d) The facsimile shall be published at the current published local display advertising rate.

(e) The facsimile shall not be published in any newspaper unless it agrees that no paid political advertisement shall be placed on the same page as the facsimile or on the page facing the facsimile. If a newspaper selected under paragraph (b) or (c) of this subsection does not so agree, the county governing body shall select another newspaper in the county with as nearly as possible the same qualifications for the publication of the facsimile.

(2) In lieu of the procedure described in subsection (1) of this section, the county clerk of a county that produces a county voters' pamphlet may publish the facsimile of the sample ballot by distributing the facsimile to each post office mailing address within the electoral district for which the election is being held. As used in this subsection, "electoral district" means a county, city or district. [Formerly 250.121; 1989 c.171 §34; 1989 c.773 §1; 1991 c.107 §11]

Note: Section 2, chapter 773, Oregon Laws 1989, which was added to chapter 267, Oregon Laws 1987, provides:

Sec. 2. ORS 254.205 also applies to a presidential primary election. [1989 c.773 §2]

254.210 [Amended by 1957 c.608 §180; 1965 c.290 §1; 1973 c.712 §1; 1975 c.766 §19; 1979 c.190 §190; renumbered 251.205]

254.215 Furnishing of official and sample ballots. (1) The county clerk shall provide each precinct with at least as many official ballots as there are electors listed in the poll books of the precinct, and as many additional ballots as may be expected to be required. The county clerk shall provide as many sample ballots as the county clerk considers necessary to supply persons requesting them at polling places and to distribute to the public.

(2) The county clerk, at the request of any person, candidate, political party or political committee, shall furnish to them sample ballots. The county clerk may collect from the requesting person the cost of the sample ballots furnished. [Formerly 250.150; 1989 c.503 §13]

254.220 [Amended by 1957 c.608 §181; 1965 c.290 §2; repealed by 1973 c.712 §2 (254.222 enacted in lieu of 254.220)]

254.222 [1973 c.712 §3 (enacted in lieu of 254.220); 1975 c.766 §20; 1979 c.190 §191; renumbered 251.215]

254.225 [1975 c.766 §28; 1979 c.190 §192; renumbered 251.225]

254.226 Form of poll book. (1) The county clerk shall prepare the poll book of each precinct. The poll book shall list alphabetically the electors in the precinct, and the residence address and political affiliation of each. The poll book shall indicate clearly each electoral district in which the elector is eligible to vote.

(2) The poll book shall be ruled so that in a column for ballot numbers sufficient space appears for inserting the number of the ballot given to the elector.

(3) The county clerk shall have attached to, or printed in, the poll book blank oaths of office for the election board clerks. [1979 c.190 §246; 1983 c.514 §13; 1985 c.448 §4; 1985 c.471 §10]

254.230 [1973 c.712 §4; 1979 c.190 §193; renumbered 251.235]

254.235 Preparation of voting machines and vote tally systems. Before an election in which voting machines or vote tally systems are used, the county clerk shall:

(1) Prepare and test the machine and system thoroughly.

(2) Mail to the chairman of the county central committee of each major or minor political party who has notified the clerk that notice is desired, a notice of the time and place where the machines or systems will be prepared and tested. One representative of each party is entitled to be present to insure that the preparation and testing are done properly. In nonpartisan elections each candidate may designate one representative who has the same powers as the political party representatives. The party and candidate representatives shall certify that they have witnessed the preparation and testing. The certificates shall be filed with the county clerk.

(3) Make every reasonable effort to acquaint the electors with the ballot format and marking or punching system.

(4) Prepare a certificate that the ballot labels have been properly placed in the machine. [1979 c.190 §247]

254.245 Securing polling places; required facilities. In sufficient time before the election, the county clerk shall secure and take possession of the places designated as polling places. The county clerk shall provide suitable compartments, shelves or tables at which electors are to mark their ballots. The arrangement shall insure that the ballot boxes, compartments, shelves or tables, and the electors while marking their ballots, shall not be hidden from view of the election board clerks, yet they shall be so arranged that the elector may conveniently mark the ballot with absolute secrecy. There shall be provided in each polling place not less than one compartment, shelf or table for every 120 electors to vote at that polling place. A polling place shall have at least three compartments, shelves or tables. [Formerly 250.610; 1987 c.707 §19]

POLLING PLACES AND VOTING

254.265 Delivery of equipment to polling place. (1) In sufficient time before opening of the polls, the county clerk shall deliver to each election board the poll book, tally and return sheets, ballots, ballot boxes and other equipment necessary for conduct of the election. The county clerk also shall deliver to the election board a notice specifying where the board is to return the equipment.

(2) The county clerk may provide a flag of the United States for each polling place. In this event, the election board shall display the flag at the polling place during voting hours.

(3) The county clerk shall keep a record of, and prepare a receipt for, the equipment delivered. The election board clerk who receives the equipment shall sign the receipt. The receipt immediately shall be returned to the county clerk. [1979 c.190 §249; 1979 c.519 §19a]

254.275 Oath of election board clerks. Before beginning their duties, the election board clerks shall take the oath of office included in the poll book. The oath shall be administered by any officer authorized to administer oaths or by the board chairman. If these persons are not present, any clerk may administer the oaths. [1979 c.190 §250]

254.290 [Repealed by 1957 c.608 §231]

254.295 Selecting substitute for absent clerk; compensation. If an election board clerk is not present when required, the other clerks shall elect a qualified person to act as clerk until the absent clerk arrives, and if the absent clerk does not arrive within one-half hour, to serve in that clerk's place. The substitute clerk need not be of the same political affiliation as the absent clerk, unless all clerks of the board would have the same political affiliation. The substitute clerk shall take the official oath before acting. Compensation which would have been paid to the absent clerk for the period served by the substitute clerk shall be paid to the substitute clerk and deducted from the pay of the absent clerk. [Formerly 250.330]

254.305 Regulation of persons at or near polls; challengers and watchers permitted. (1) Except as provided in subsection (2) of this section, no person other than an elector attempting to vote shall approach or stand within 100 feet measured radially from any entrance to the building in which the polling place is located. Only a reasonable number of electors shall be permitted to be within 100 feet of the polls at the same time.

(2)(a) The election board chairman may appoint a peace officer to preserve order at the polls.

(b) The board, if requested, shall permit one elector of the county in which the poll-

ing place is located authorized by each political party to be at the polling place to challenge persons offering to vote. The board, if requested, shall permit any candidate, or one elector of the county in which the polling place is located authorized by a candidate or several candidates to be present to watch the receiving and counting of votes. The authorization shall be signed by the county chairman of the political party or by the candidate or candidates and filed with the board.

(c) The board also shall permit additional electors of the county in which the polling place is located authorized in writing by the county clerk to be at the polling place to challenge persons offering to vote and watch the receiving and counting of votes. The county clerk shall authorize as challenger and watcher under this paragraph only so many persons as will not interfere with an orderly procedure at the polling place.

(d) Subsection (1) of this section does not apply to:

(A) A person who is employed in the building or has business unrelated to the election in the building in which the polling place is located or in any building within 100 feet measured radially from any entrance to the building in which a polling place is located;

(B) Any person who incidentally, in the ordinary and usual course of the person's activities, approaches or stands within 100 feet measured radially from any entrance to the building in which the polling place is located; or

(C) An individual who is participating in a simulated election described in ORS 254.068.

(3) Persons permitted to be present to watch the counting of votes shall not leave until the polls are closed. [Formerly 250.430; 1983 c.83 §29; 1983 c.808 §37; 1989 c.503 §40; 1991 c.436 §3]

254.310 [Amended by 1957 c.608 §182; 1959 c.457 §8; 1977 c.516 §1; repealed by 1979 c.190 §431]

254.315 Location of voting machines, models and labels. The election board clerks, when preparing a voting machine before the polls open, shall:

(1) Place the voting machine where it can be conveniently attended by the clerks and conveniently operated by the electors and where the ballot labels on the machine can be plainly seen by the clerks and the public when the machine is not in use.

(2) Place a model of a portion of the face of a voting machine where an elector can conveniently operate it and receive instructions on the manner of voting before

proceeding to the voting compartment, shelf or table.

(3) Determine that the ballot labels are in the proper places on the machine.

(4) Certify the performance of these duties in the poll book. [Formerly 258.245]

254.320 [Amended by 1957 c.608 §183; 1975 c.675 §31b; repealed by 1979 c.190 §431]

254.321 Posting map of proposed boundaries for election on establishing or changing county or city boundaries. At any election in which the question of establishing or changing the exterior boundaries of a county or city is submitted to a vote, the county clerk shall post in each voting compartment or by each shelf or table, within view of the elector, a map indicating the proposed boundaries. [1983 c.350 §69]

254.325 Poll hours; election supplies to be in view of officials. (1) The polls shall be open from 7 a.m. to 8 p.m. of the same day except that if federal law or regulations require a particular hour for poll closure, the polls, for any election, shall close at that hour.

(2) The first election board shall meet not later than 6:30 a.m. at the polling place on election day. It shall act until the count and tally of ballots is completed, until the polls are closed and the ballots removed for counting, or until relieved by an additional board. While the polls are open, no more than one board clerk shall be out of the presence of the others.

(3) The election board, immediately before the opening of the polls, shall insure that the ballot boxes are empty. The boxes shall not be reopened except to count the ballots.

(4) At 7 a.m. the board chairman shall publicly announce the opening of the polls. Thirty minutes before closing the polls the chairman shall publicly announce that the polls will be closed in half an hour.

(5) The ballot boxes, poll book, ballot stubs, return sheets and tally sheets shall be constantly kept together in view of the board clerks and other persons permitted to be present from the opening of the polls until the clerks complete their duties.

(6) If an elector attempts to vote at the wrong polling place, the board shall assist the elector in locating the proper polling place.

(7) When the polls close, electors who are at the polling place waiting to vote shall be considered to have begun the act of voting. [Formerly 250.340; 1987 c.72 §1; 1987 c.727 §14]

254.330 [Amended by 1957 c.608 §184; repealed by 1979 c.190 §431 and by 1979 c.519 §38]

254.340 [Amended by 1957 c.608 §185; 1959 c.457 §9; 1979 c.519 §37; repealed by 1979 c.190 §431]

254.335 Examination of equipment during voting. If voting machines are used, the board clerks occasionally shall examine the face of the machine and the ballot labels to determine that the machine or labels have not been tampered with or damaged. [Formerly 254.295]

254.345 Procedure when equipment becomes inoperative. (1) If a voting machine becomes inoperative, a clerk immediately shall notify the county clerk.

(2) If possible, the county clerk shall repair the voting machine at once or substitute another machine.

(3) If no other machine can be procured and the inoperative machine cannot be repaired in time for further use at the election, or when in the discretion of a majority of the election board it is impracticable to use the machine, the board clerks shall permit the electors to use paper ballots. The paper ballots shall be furnished by the county clerk. The ballots shall not be tallied and returned by the board clerks. Instead, these ballots shall be delivered to the county clerk for tally and canvass. [Formerly 254.305]

254.355 Indication in poll book of ballots delivered. The election board shall write, and certify as correct, in the poll book the number of ballots initially delivered and the number of ballots thereafter delivered to the precinct. [1979 c.190 §254]

254.365 Voting at a primary election by major party members and nonaffiliated electors. (1) No elector shall be qualified or permitted to vote at any primary election, and it shall be unlawful for the elector to offer to do so, unless:

(a) The elector is registered as being affiliated with one of the major political parties nominating or electing its candidates for public office at the primary election; or

(b) The elector is registered as not being affiliated with any political party and wishes to vote in the primary election of a major political party that has provided under subsection (3) of this section for a primary election that admits electors not affiliated with any political party.

(2) Any elector offering to vote at the primary election shall be given a ballot of the major political party with which the elector is registered as being affiliated. The elector shall not be given a ballot of any other political party at that primary election. An elector not affiliated with any political party and offering to vote at the primary election shall be given the ballot of the major political party in whose primary election

the elector wishes to vote if that party has provided under subsection (3) of this section for a primary election that admits electors not affiliated with any political party. An elector not affiliated with any political party who is given a ballot of the major political party associates with the party for the purpose of voting in that primary election.

(3) Not later than the 90th day before the date of the primary election, a major political party may file with the Secretary of State a certified copy of the current party rule allowing an elector not affiliated with any political party to vote in the party's primary election. The party shall not repeal the rule as filed during the 90 days before the primary election. The rule shall continue to be effective after the date of the primary election until the party gives written notice to the Secretary of State that the rule has been repealed. A party rule under this subsection may limit the candidates for whom an elector who is not affiliated with any political party may vote. The party rule shall, however, allow any elector who is permitted to vote for the most numerous branch of the Legislative Assembly to also vote in federal legislative elections, consistent with Article I, section 2, and the Seventeenth Amendment to the United States Constitution.

(4) If the primary election ballot includes city, county or nonpartisan offices or measures, and it is given to an elector who is not eligible to vote for party candidates, the ballot shall be marked "limited." [Formerly 249.366; 1987 c.719 §1]

Note: The amendments to 254.365 by section 20, chapter 719, Oregon Laws 1987, are repealed on January 1, 1994. See section 19, chapter 719, Oregon Laws 1987, and section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

254.365. (1) No elector shall be qualified or permitted to vote at any presidential or biennial primary election, and it shall be unlawful for the elector to offer to do so, unless:

(a) The elector is registered as being affiliated with one of the major political parties nominating or electing its candidates for public office at the presidential or biennial primary election; or

(b) The elector is registered as not being affiliated with any political party and wishes to vote in the presidential or biennial primary election of a major political party that has provided under subsection (3) of this section for a presidential or biennial primary election that admits electors not affiliated with any political party.

(2) Any elector offering to vote at the presidential or biennial primary election shall be given a ballot of the major political party with which the elector is registered as being affiliated. The elector shall not be given a ballot of any other political party at that presidential or biennial primary election. An elector not affiliated with any political party and offering to vote at the presidential or biennial primary election shall be given the ballot of the major political party in whose presidential or biennial primary election the elector wishes to vote if that party has provided under subsection (3) of this section for a presidential or biennial primary

election that admits electors not affiliated with any political party. An elector not affiliated with any political party who is given a ballot of the major political party associates with the party for the purpose of voting in that presidential or biennial primary election.

(3) Not later than the 90th day before the date of the presidential or biennial primary election, a major political party may file with the Secretary of State a certified copy of the current party rule allowing an elector not affiliated with any political party to vote in the party's presidential or biennial primary election. The party shall not repeal the rule as filed during the 90 days before the presidential or biennial primary election. The rule shall continue to be effective after the date of the presidential or biennial primary election until the party gives written notice to the Secretary of State that the rule has been repealed. A party rule under this subsection may limit the candidates for whom an elector who is not affiliated with any political party may vote. The party rule shall, however, allow any elector who is permitted to vote for the most numerous branch of the Legislative Assembly to also vote in federal legislative elections, consistent with Article I, section 2, and the Seventeenth Amendment to the United States Constitution.

(4) If the presidential or biennial primary election ballot includes city, county or nonpartisan offices or measures, and it is given to an elector who is not eligible to vote for party candidates, the ballot shall be marked "limited."

254.370 Record of nonaffiliated electors; record of voting in primary election of major political party and in general election. The county clerk shall maintain:

(1) A monthly registration record of all electors registered as not being affiliated with any political party;

(2) A record of all electors registered as not being affiliated with any political party who vote in the primary election of a major political party that has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party; and

(3) A record of all electors registered as not being affiliated with any political party who vote in the general election. [1987 c.719 §3; 1991 c.719 §52]

Note: Section 59, chapter 719, Oregon Laws 1991, which was added to chapter 267, Oregon Laws 1987, provides:

Sec. 59. As used in ORS 254.370, "primary election" includes a presidential or biennial primary election. [1991 c.719 §59]

254.375 Judiciary ballot. In a district where circuit judges are elected at large and not for departments or positions, an elector may vote for as many candidates as there are offices to be filled. [1979 c.190 §260]

254.385 Signing poll book; correcting error in residence address in poll book.

(1) An elector before receiving a ballot shall sign the poll book following the elector's name.

(2) If the residence address of a person in the poll book is not correct because of an error in preparation of the poll book, the

chairman of the election board shall ascertain the correct address from the person by a statement made under oath or affirmation before the election board. Thereafter a correction shall be made in the poll book. [Formerly 250.645; 1981 c.142 §3]

254.395 Making notations in poll book, on registration certificate and on ballot when elector votes. (1) The stub number of each official ballot given an elector shall be recorded in the poll book opposite the name of the elector or on the registration certificate of the elector.

(2) If an elector is permitted to vote only on certain offices or measures, the chairman of the election board shall determine on which offices or measures the elector is qualified to vote, and shall note the determination on the ballot and in the poll book or on the registration certificate of the elector.

(3) An election board clerk shall enter in the poll book the name and residence address of an elector who is permitted to vote but is not listed in the poll book and is not voting under a registration certificate.

(4) If an elector votes under a registration certificate, the elector shall sign the certificate in view of the board clerk. The signed certificate shall be considered part of the poll book. [Formerly 250.631]

254.405 Elector to mark and deliver ballot; time permitted for voting; use of stickers prohibited; disposition of voted ballot. (1) On receiving a ballot, the elector shall retire to a compartment, shelf or table provided and mark or punch the ballot. Except as provided in ORS 254.445, not more than one person at one time shall be permitted to occupy a compartment, shelf or table. No elector shall occupy the compartment, shelf or table longer than five minutes. If the elector refuses to leave at the end of that time, the board clerks may remove the elector. However, the clerks may grant the elector a longer time.

(2) An elector shall not place on the ballot a sticker bearing the name of a person, or use any other method or device, except writing, to vote for a person whose name is not printed on the ballot.

(3) The elector, without exposing the contents of the ballot, shall deliver the ballot to a board clerk. The clerk shall remove the stub without exposing the contents of the ballot. The ballot then shall be deposited in the ballot box by a clerk in the presence of the elector or by the elector. [Formerly 250.635]

254.407 Procedure for voting by elector for whom no evidence of registration is found. (1) A person offering to vote and who claims to be an elector, but for whom no evidence of current registration can be

found, shall be granted the right to vote in the manner provided in this section and ORS 254.409.

(2) A person offering to vote under subsection (1) of this section shall complete and sign a written statement containing the name, residence address and mailing address of the person and the oath required by this section. The statement shall be numbered and shall be printed on an envelope in which the smaller ballot envelope shall be placed after the person has voted. The person shall sign an oath or affirmation before a member of the election board, that the person is registered and qualified to vote and that the person has not already voted at the same election. If the person so swears or affirms, the person shall be permitted to vote, subject to ORS 254.409. If the person does not sign such a statement, the person shall not be permitted to vote. Any member of the election board may administer the oath or affirmation required under this subsection. [1989 c.666 §2]

254.409 Procedure for verifying registration and counting ballot of elector for whom no evidence of registration is found. (1) Whenever any person votes under oath or affirmation under ORS 254.407, the board chairperson shall write on the back of the ballot offered by the person the number of the written statement completed by the person so that it may be identified in any future contest of the election.

(2) The person voting shall insert the ballot into a small envelope provided by the election board and then insert the small envelope into a larger envelope on which the statement the person previously signed is located. The larger envelope shall be deposited in the ballot box. When the ballot box is opened, the larger envelopes shall be segregated and not counted until the registration of the person is verified under this section.

(3) The county clerk shall examine the statement on the ballot envelope and determine if the person is validly registered to vote and if the vote was properly cast. The ballot shall be counted only if the county clerk determines the person is validly registered and that the person properly executed the written statement required under ORS 254.407.

(4) If the county clerk cannot otherwise verify the registration of a person voting under this section and ORS 254.407, the county clerk shall mail a written notice to the person that the records of the county clerk indicate was previously registered in the county. The notice shall be sent first class mail and be clearly marked "Address Correction Requested." The notice shall be in a form prescribed by the Secretary of State.

(5) If the county clerk finds that the person was previously registered in the county and does not receive evidence that the registration of the person is invalid for any reason, the county clerk shall count the ballot of the person voting under this section and ORS 254.407 and shall restore the person to the register of electors.

(6) The county clerk shall insure that the information on the numbered written form is treated as confidential so that in the event of a recount of votes it cannot be determined how any challenged person voted.

(7) The registration of any person voting under this section and ORS 254.407 shall be verified not later than the last business day prior to the last day for the official certification of election results required by ORS 254.545 (3) and 255.295 (1) in order for the vote of the person to be counted. [1989 c.666 §3]

254.410 [Amended by 1957 c.608 §186; 1977 c.487 §3; repealed by 1979 c.190 §431]

254.411 Voting after name change. (1) Any elector whose name has been changed by marriage or court order may vote once in the precinct in which the elector is registered under the elector's former name.

(2) The election board clerk shall enter into the poll book the fact that the elector's name has changed. In noting such entry the county clerk shall immediately cancel the elector's current registration.

(3) In order to vote at subsequent elections the elector whose name has changed must reregister as required by ORS 247.290. [1987 c.733 §12]

Note: 254.411 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 254 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

254.415 Challenging a person's right to vote; procedure for voting. (1) An election board clerk or elector present shall challenge any person offering to vote whom the clerk or elector knows or suspects not to be qualified as an elector. The person's right to vote may be challenged at any time before the ballot is actually deposited in the ballot box.

(2) A person offering to vote under subsection (1) of this section shall complete and sign a written statement containing the name, residence address and mailing address of the person and the oath required by this subsection. The statement shall be numbered and shall be printed on an envelope in which a smaller envelope shall be placed after the person has voted. The person shall sign an oath or affirmation before a member of the election board, that the person is registered and qualified to vote and that the person has not already voted at the same election. If the

person so swears and affirms, the person shall be permitted to vote, subject to ORS 254.426. If the person does not sign such a statement, the person shall not be permitted to vote. Any member of the election board may administer the oath or affirmation required under this subsection. [Formerly 250.350; 1981 c.142 §4; 1985 c.808 §38; 1991 c.14 §1]

254.420 [Amended by 1975 c.627 §2; 1977 c.487 §4; 1979 c.190 §133; renumbered 249.873]

254.425 [Formerly 250.400; 1983 c.83 §30; repealed by 1991 c.14 §4]

254.426 Procedure on challenged ballot. (1) Whenever any person votes under oath or affirmation under ORS 254.415, the board chairperson shall write on the back of the ballot offered by the person the number of the written statement completed by the person so that it may be identified in any future contest of the election.

(2) The person voting shall insert the ballot into a small envelope provided by the election board and then insert the small envelope into a larger envelope on which the statement the person previously signed is located. The larger envelope shall be deposited in the ballot box. When the ballot box is opened, the larger envelopes shall be segregated and not counted until the registration of the person is verified under this section.

(3) The county clerk shall examine the statement on the ballot envelope and determine if the person is validly registered to vote and if the vote was properly cast. The ballot shall be counted only if the county clerk determines the person is validly registered and that the person properly executed the written statement required under ORS 254.415.

(4) The county clerk shall insure that the information on the numbered written form is treated as confidential so that in the event of a recount of votes it cannot be determined how any challenged person voted.

(5) The registration of any person voting under this section and ORS 254.415 shall be verified not later than the last business day prior to the last day for the official certification of election results required by ORS 254.545 (3) and 255.295 (1) in order for the vote of the person to be counted. [1991 c.14 §3]

254.430 [Repealed by 1973 c.392 §4]

254.435 Removal of ballot from polling place prohibited; return of unused ballot to clerk for destruction. (1) Subject to ORS 254.485, no person shall take an official ballot from the polling place, except a board clerk may take a ballot to a handicapped elector offering to vote immediately outside the polling place.

(2) An elector who does not vote the ballot before leaving the polling place shall re-

turn the ballot to a board clerk. The clerk shall write on the stub "Not voted" and initial the stub. The clerk then shall treat the stub and the ballot as a spoiled ballot. The clerk shall draw a line with pen and ink in the poll book across the signature of the elector and write the words "Not voted." [Formerly 250.700]

254.440 [Amended by 1975 c.683 §4; 1977 c.487 §5; repealed by 1979 c.190 §431]

254.445 Assistance in marking ballot or signing poll book for physically disabled electors; all electors authorized to use sample ballot as aid in voting. (1) Any elector who, because of a physical disability or an inability to read or write, is unable to mark or punch the ballot, upon request, shall receive the assistance of two election board clerks of different parties or of some other person chosen by the elector in marking or punching the ballot. The persons assisting the elector shall ascertain the wishes of the elector and assist the elector in voting the ballot accordingly, and thereafter shall give no information regarding the vote. The board chairman may require a declaration of disability to be made by the elector under oath. Whenever an elector receives assistance in this manner, a clerk shall make a notation of it in the poll book following the name of the elector.

(2) A person may not assist an elector under subsection (1) of this section if the person:

(a) Is an employer of the elector or an agent of the employer; or

(b) Is an officer or agent of the union of which the elector is a member.

(3) When any elector, because of a physical disability or an inability to read or write, is unable to sign the poll book, a clerk, under supervision of the chairman, shall enter the words "unable to sign" in the place provided for the elector's signature.

(4) In preparing the ballot, an elector may use or copy a sample ballot, which may be marked in advance to assist the elector in marking or punching the official ballot. [Formerly 250.690; 1985 c.471 §11]

254.450 [Amended by 1979 c.190 §137; renumbered 249.870]

254.455 Spoiled ballot. If an elector by accident or mistake spoils a ballot, the elector, on returning the spoiled ballot, shall receive another. If the elector spoils three ballots, it shall be conclusive evidence that the elector is unable to prepare a ballot without assistance. When the elector spoils a ballot and returns it, a board clerk shall write upon the stub the word "Spoiled," initial the stub, remove the stub from the ballot, immediately pass the stub to the board

chairman and then immediately destroy the spoiled ballot without anyone inspecting its contents. The clerk then shall issue another ballot to the elector, and write the number of the spoiled ballot on the stub of the new ballot. A notation of spoiling of a ballot shall be made in the poll book following the name of the elector. [Formerly 250.680]

254.460 [Amended by 1979 c.190 §139; renumbered 249.880]

VOTING BY MAIL

254.465 County clerk may conduct election by mail; notice to governing bodies; election dates when voting by mail prohibited. (1) A county clerk may conduct an election by mail in the county, in a city or in a district defined in ORS 255.012, under the supervision of the Secretary of State. In deciding to conduct an election by mail, the county clerk may consider requests from the governing body of the county, city or district, and shall consider whether conducting the election by mail will be economically and administratively feasible.

(2) Not later than the third Monday in January of each year, the county clerk shall advise the governing body of the county, each city and each district for which the county clerk is the election officer that the county clerk may conduct one or more elections by mail in that year.

(3) Not later than the 50th day before any election, other than a recall or emergency election, held on any date other than the date of a primary or general election, the county clerk shall notify the affected county, city or district whether its election will be conducted by mail.

(4) This section applies to any election, other than an emergency election, held on any date other than the date of a primary or general election. [1981 c.805 §1; 1983 c.199 §1; 1985 c.375 §1; 1987 c.357 §2; 1991 c.719 §12]

Note: The amendments to 254.465 by section 80, 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.

254.465. (1) A county clerk may conduct an election by mail in the county, in a city or in a district defined in ORS 255.012, under the supervision of the Secretary of State. In deciding to conduct an election by mail, the county clerk may consider requests from the governing body of the county, city or district, and shall consider whether conducting the election by mail will be economically and administratively feasible.

(2) Not later than the third Monday in January of each year, the county clerk shall advise the governing body of the county, each city and each district for which the county clerk is the election officer that the county clerk may conduct one or more elections by mail in that year.

(3) Not later than the 50th day before any election, other than a recall or emergency election, held on any date other than the date of a primary or general

election, the county clerk shall notify the affected county, city or district whether its election will be conducted by mail.

(4) This section applies to any election, other than an emergency election, held on any date other than the date of a presidential or biennial primary or general election. This section does not apply to any election held on the date of a presidential primary election.

254.470 Conduct of election by mail; rules. (1) An election by mail shall be conducted as provided in this section. The Secretary of State may adopt rules governing the procedures for conducting an election by mail. The Secretary of State by rule may modify the provisions of ORS chapters 254 and 255 as necessary for the conduct of an election by mail.

(2) If a county clerk conducts an election by mail, the county clerk may designate the county clerk's office or one central location in the electoral district in which the election is conducted as the single place to obtain a replacement ballot under subsection (8) of this section. The county clerk also shall designate one or more places of deposit for the ballots cast in the election. The places designated under this section shall be open on the date of the election for a period, determined by the county clerk, of 12 or more hours.

(3) The county clerk shall mail an official ballot with a return identification envelope and a secrecy envelope not sooner than the 20th day before the date of an election conducted by mail and not later than the 14th day before the date of the election, to each person registered as an elector of the electoral district as of the 21st day before the date of the election.

(4) For each elector who obtains a certificate of registration after the 21st day before the date of an election conducted by mail, the county clerk shall make the official ballot, the return identification envelope and the secrecy envelope available only at the county clerk's office or other place designated by the county clerk. An elector to whom this subsection applies must vote at the election in the county clerk's office or other place designated by the county clerk. The elector shall mark the ballot, sign the return identification envelope, comply with the instructions provided with the ballot and return the ballot in the return identification envelope to the county clerk.

(5) Notwithstanding subsection (3) of this section, replacement ballots may be mailed not later than the fifth day before the date of the election or obtained in person up until and including the date of the election from the county clerk.

(6) The ballot or ballot label shall contain the following warning:

Any person who, by use of force or other means, unduly influences an elector to vote in any particular manner or to refrain from voting, is subject, upon conviction, to imprisonment or to a fine, or both.

(7) This subsection applies to an elector to whom subsection (3) of this section applies. Upon receipt of the ballot the elector shall mark it, sign the return identification envelope supplied with the ballot and comply with the instructions provided with the ballot. The elector may return the marked ballot to the county clerk by United States mail or by depositing the ballot at the office of the county clerk or any place of deposit designated by the county clerk. The ballot must be returned in the return identification envelope. If the elector returns the ballot by mail, the elector must provide the postage. A ballot must be received at the office of the county clerk or the designated place of deposit not later than the end of the period determined under subsection (2) of this section on the date of the election:

(8) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not received by the elector. An elector seeking a replacement ballot shall sign a sworn statement that the ballot was destroyed, spoiled, lost or not received and present the statement to the county clerk before the end of the period determined under subsection (2) of this section. The county clerk shall keep a record of each replacement ballot provided under this subsection.

(9) A ballot shall be counted only if:

(a) It is returned in the return identification envelope;

(b) The envelope is signed by the elector to whom the ballot is issued; and

(c) The signature is verified as provided in subsection (10) of this section.

(10) The county clerk shall verify the signature of each elector on the return identification envelope with the signature on the elector's registration card, according to the procedure provided by rules adopted by the Secretary of State. If the county clerk determines that an elector to whom a replacement ballot has been issued has voted more than once, the county clerk shall not count any ballot cast by that elector.

(11) Any ballot and any elector casting a ballot may be challenged pursuant to rules adopted by the Secretary of State. (1981 c.805 §2; 1983 c.199 §2; 1985 c.575 §2; 1987 c.357 §3; 1987 c.733 §7a)

POST ELECTION PROCEDURES

254.475 Disposition of official ballots immediately after polls close. Immediately after the close of the polls:

(1) The names of electors who voted shall be counted and the number written in the poll book. At the primary election, the number of electors who voted from each major political party also shall be written in the poll book.

(2) The election board, by an examination of the poll book, shall determine the number of ballots voted and the number of ballots spoiled. These totals shall be written in the poll book.

(3) The election board shall count the unused ballots in its custody and shall write this number in the poll book.

(4) The election board shall destroy all unused ballots which are printed or identified for a particular election.

(5) The board chairman and clerks shall certify the accounting as written in the poll book by signing the poll book.

(6) At a polling place in which ballot labels are used, the election board shall seal the ballot labels closed.

(7) The county clerk shall destroy all unused absentee and regular ballots in the county clerk's possession. (Formerly 250.225)

Note: The amendments to 254.475 by section 51, 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.

254.475. Immediately after the close of the polls:

(1) The names of electors who voted shall be counted and the number written in the poll book. At each primary election, the number of electors who voted from each major political party also shall be written in the poll book.

(2) The election board, by an examination of the poll book, shall determine the number of ballots voted and the number of ballots spoiled. These totals shall be written in the poll book.

(3) The election board shall count the unused ballots in its custody and shall write this number in the poll book.

(4) The election board shall destroy all unused ballots which are printed or identified for a particular election.

(5) The board chairman and clerks shall certify the accounting as written in the poll book by signing the poll book.

(6) At a polling place in which ballot labels are used, the election board shall seal the ballot labels closed.

(7) The county clerk shall destroy all unused absentee and regular ballots in the county clerk's possession.

254.485 Tally of ballots. (1) Ballots may be tallied by a vote tally system or by a counting board. A counting board may tally ballots at the precinct or in the office of the

county clerk. In any event, the ballots shall be tallied and returned by precinct.

(2) The tally of ballots may begin before the polls close. Ballots tallied at the precinct before the polls close shall be tallied by a special counting board. Otherwise, the tally shall begin after the polls close.

(3) After the tally has begun it shall continue until completed. A counting board shall tally without adjournment and in the presence of the clerks and persons authorized to attend. However, the board may be relieved by another board if the tally is not completed after 12 hours.

(4) A counting board shall audibly announce the tally as it proceeds. The board shall use only pen and ink to tally. [1979 c.190 §270]

254.495 Tally and return sheets; counting and tallying ballots. The election board, to tally ballots, shall use the tally sheets and two copies of the return sheet. The completed sheets shall contain the offices on the ballot, the number and name of each candidate who received a vote, the total number of votes cast for each candidate and each measure voted upon, and the total number of votes cast for and against the measure. The tally and return sheets, when completed, shall be certified correct by the election board which kept them. [Formerly 250.471]

254.500 Tally of write-in votes. This section governs the tally of votes cast for persons whose names were not printed on the ballot but are written in by electors. All such write-in votes for each office on the ballot shall be tallied together, except as follows:

(1) If the total number of write-in votes equals or exceeds the number of votes cast for the candidate on the ballot who was not nominated or elected but who received the highest number of votes next to the candidate or candidates for the same office who were nominated or elected, the county clerk shall tally all write-in votes cast for the office to show the total number of votes cast for each write-in candidate.

(2) If no names of candidates are printed on the ballot for an office, the county clerk shall tally the votes cast for each candidate for the office who received a vote.

(3) The county clerk shall tally the votes cast for each candidate who filed a written request under ORS 249.007 for a separate tally of votes. [1985 c.508 §2]

254.505 Only clearly marked official ballots to be counted; void ballots; counting only part of offices voted for on ballot. (1) Only official ballots shall be

counted. Any vote from which it is impossible to determine the elector's choice for the office or measure shall not be counted. Any ballot that has a sticker or other device in violation of ORS 254.405 (2) shall be void and shall not be counted. Election board clerks shall disregard misspelling or abbreviations of the names of candidates if it can be ascertained from the ballot for whom the vote was intended.

(2) The board chairman, using ink, immediately shall initial the back of the wholly or partially void ballot and write on it "Not counted for _____" (stating the office or measure). The election board shall seal the wholly void ballots in an envelope. [Formerly 250.510]

254.510 [Repealed by 1979 c.190 §431]

254.515 Counting limited ballots. Ballots marked "Presidential only," "federal offices only" or "limited" shall be counted only for the offices or measures that the elector is entitled to vote. Votes on the ballot for other offices or measures shall not be counted. [Formerly 250.520]

254.520 [Repealed by 1979 c.190 §431]

254.525 Duties immediately after vote tally; retention of records. (1) Immediately after the tally of votes:

(a) The board chairman shall count the regular and absentee ballots either tallied or rejected, and write the number in the poll book. The number shall be certified as correct by board members.

(b) If all votes cast at the polling place are tallied there, the election board shall post one copy of the return sheet in a prominent location outside the polling place.

(c) The election board shall deliver under seal to the county clerk one copy of the return sheet, the tally sheet, ballots, ballot stubs, ballot boxes and written challenge statements. The board also shall deliver the other equipment to the county clerk.

(2) The county clerk shall keep the return sheets in the office for 90 days after the election.

(3) The county clerk shall destroy the ballots, ballot stubs and written challenge statements not sooner than the 90th day after the final day permitted for a contest of the election, unless otherwise ordered by the court. [1979 c.190 §274]

254.530 [Amended by 1957 c.608 §187; repealed by 1979 c.190 §431]

254.535 Preservation of certain materials. Each poll book, tally sheet and return sheet shall be preserved for two years after the election to which it relates. [1979 c.190 §275]

254.540 [Repealed by 1979 c.190 §431]

254.545 Duties of county clerk after election. The county clerk:

(1) As soon as possible after the election, shall prepare abstracts of votes using the tally and return sheets. The abstract for election of Governor shall be on a sheet separate from the abstracts for other offices and measures. One representative of each political party may attend the abstract proceedings.

(2) On completion of the abstracts, shall record a complete summary of votes cast in the county for each office, candidate for office and measure. The county clerk shall sign and seal this record. After the primary election, the county clerk also shall enter in a register of nominations the name and major political party of each candidate nominated, the office for which the candidate is nominated, and the date of entry.

(3) Not later than the 20th day after the election, shall deliver a copy of the abstracts for other than county offices to the appropriate election officials. The abstract for election of Governor shall be delivered separately to the Secretary of State as provided in section 4, Article V, Oregon Constitution.

(4) Not later than the 30th day after the election, shall proclaim which county measure is paramount, if two or more approved county measures contain conflicting provisions.

(5) Shall prepare and deliver a certificate of nomination or election to each candidate having the most votes for nomination for or election to county or precinct offices.

(6) Shall prepare, and file with the county governing body, a certificate stating the compensation to which the board clerks are entitled. The county governing body shall order the compensation paid by county funds. [1979 c.190 §276]

Note: The amendments to 254.545 by section 52, 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.

254.545. The county clerk:

(1) As soon as possible after the election, shall prepare abstracts of votes using the tally and return sheets. The abstract for election of Governor shall be on a sheet separate from the abstracts for other offices and measures. One representative of each political party may attend the abstract proceedings.

(2) On completion of the abstracts, shall record a complete summary of votes cast in the county for each office, candidate for office and measure. The county clerk shall sign and seal this record. After each primary election, the county clerk also shall enter in a register of nominations the name and major political party of each candidate nominated, the office for which the candidate is nominated, and the date of entry.

(3) Not later than the 20th day after the election, shall deliver a copy of the abstracts for other than

county offices to the appropriate election officials. The abstract for election of Governor shall be delivered separately to the Secretary of State as provided in section 4, Article V, Oregon Constitution.

(4) Not later than the 30th day after the election, shall proclaim which county measure is paramount, if two or more approved county measures contain conflicting provisions.

(5) Shall prepare and deliver a certificate of nomination or election to each candidate having the most votes for nomination for or election to county or precinct offices.

(6) Shall prepare, and file with the county governing body, a certificate stating the compensation to which the board clerks are entitled. The county governing body shall order the compensation paid by county funds.

254.548 Individual nominated or elected by write-in votes; form. An individual nominated or elected to a public office by write-in votes shall sign and file a form indicating that the individual accepts the nomination or office before the filing officer may issue a certificate of nomination or election. The Secretary of State by rule shall prescribe the form to be used under this section. [1991 c.719 §56]

254.550 [Repealed by 1979 c.190 §431]

254.555 Secretary of State's duties after election; Governor's proclamation. (1) Not later than the 30th day after the election, the Secretary of State, regarding offices for which the secretary receives filings for nomination, shall:

(a) Canvass the votes for the offices, except the office of Governor after the general election.

(b) Enter in a register of nominations after the primary election the name and, if applicable, major political party of each candidate nominated, the office for which the candidate is nominated, and the date of entry.

(c) Prepare and deliver a certificate of nomination or election to each candidate having the most votes for nomination for or election to the office. The Secretary of State shall sign the certificate under the seal of the state.

(d) Issue a proclamation declaring the election of candidates to the offices.

(2) Not later than the 30th day after the election:

(a) The Secretary of State, regarding measures for which the secretary as the filing officer, shall canvass the votes for each measure.

(b) The Governor shall issue a proclamation giving the number of votes cast for or against each such measure, and declaring the approved measures as the law on the effective date of the measure. If two or more approved measures contain conflicting

provisions, the Governor shall proclaim which is paramount. [1979 c.190 §277]

Note: The amendments to 254.555 by section 53, 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.

254.555. (1) Not later than the 30th day after the election, the Secretary of State, regarding offices for which the secretary receives filings for nomination, shall:

(a) Canvass the votes for the offices, except the office of Governor after the general election.

(b) Enter in a register of nominations after a primary election the name and, if applicable, major political party of each candidate nominated, the office for which the candidate is nominated, and the date of entry.

(c) Prepare and deliver a certificate of nomination or election to each candidate having the most votes for nomination for or election to the office. The Secretary of State shall sign the certificate under the seal of the state.

(d) Issue a proclamation declaring the election of candidates to the offices.

(2) Not later than the 30th day after the election:

(a) The Secretary of State, regarding measures for which the secretary as the filing officer, shall canvass the votes for each measure.

(b) The Governor shall issue a proclamation giving the number of votes cast for or against each such measure, and declaring the approved measures as the law on the effective date of the measure. If two or more approved measures contain conflicting provisions, the Governor shall proclaim which is paramount.

254.560 [Repealed by 1979 c.190 §131]

254.565 Register of nominations; canvass of city measures. The chief city elections officer:

(1) After the primary election, shall enter in a register of nominations:

(a) The name of each candidate for city office nominated at the primary election.

(b) The office for which the candidate is nominated.

(c) If applicable, the name of the major political party nominating the candidate.

(d) The date of the entry.

(2) Not later than the 30th day after the election, shall canvass the vote on each city measure, and if two or more of the approved measures contain conflicting provisions, proclaim which is paramount. [Formerly 249.491]

Note: The amendments to 254.565 by section 54, 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.

254.565. The chief city elections officer:

(1) After the biennial primary election, shall enter in a register of nominations:

(a) The name of each candidate for city office nominated at the biennial primary election.

(b) The office for which the candidate is nominated.

(c) If applicable, the name of the major political party nominating the candidate.

(d) The date of the entry.

(2) Not later than the 30th day after the election, shall canvass the vote on each city measure, and if two or more of the approved measures contain conflicting provisions, proclaim which is paramount.

254.570 [Repealed by 1979 c.190 §431]

254.575 Procedure when tie vote. When two or more candidates for the same office, after a recount of votes, have an equal and the highest number of votes:

(1) For election to State Senator or Representative, a party office, or a public office for which the election officer is other than the Secretary of State, the election officer shall have the candidates meet publicly to decide by lot who is elected.

(2) For election to a public office other than Governor or those referred to in subsection (1) of this section, the Secretary of State by proclamation shall order a new election to fill the office.

(3) For election to Governor, the Legislative Assembly at the beginning of the next regular session shall meet jointly and elect one of the candidates.

(4) For nomination by one major political party to an office, the election officer who receives filings for nomination to the office shall have the candidates meet publicly to decide by lot who is nominated. [1979 c.190 §279]

254.580 [Amended by 1957 c.608 §188; 1979 c.190 §378; renumbered 260.575]

254.590 [Amended by 1979 c.190 §377; renumbered 260.565]

254.600 [Amended by 1975 c.683 §5; 1977 c.178 §1; 1979 c.190 §379; 1979 c.519 §28; renumbered 260.585]

254.990 [Repealed by 1979 c.190 §431]

ELECTIONS

Chapter 255

1991 EDITION

Special District Elections

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ELECTIONS

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GENERAL PROVISIONS

255.005 Definitions. As used in this chapter:

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

(2) "District board" means the governing body of a district.

(3) "District election" means any election authorized or required to be held by a district.

(4) "District election authority" means the county court or board of county commissioners, district board or other body or officer authorized or required to call a district election.

(5) "Election officer" means the:

(a) County clerk of the county in which the administrative office of the district is located regarding a measure, or a candidate for an office, to be voted on in a district located in more than one county.

(b) County clerk regarding a measure, or a candidate for an office, to be voted on in a district situated wholly within the county.

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

(7) "Measure" includes all 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.

(8) "Regular district election" means the election held each year for the purpose of electing members of any district board as defined in subsection (2) of this section.

(9) "School district" means a common school district, a union high school district, an education service district or a community college district. [Formerly 259.010; 1983 c.392 §6; 1985 c.808 §39; 1987 c.707 §20]

255.010 [Repealed by 1957 c.608 §231]

255.011 [1957 c.608 §190; 1965 c.39 §1; 1971 c.733 §1; repealed by 1973 c.155 §1 (255.001 enacted in lieu of 255.011)]

255.012 "District" defined. As used in this chapter, "district" means:

(1) A domestic water supply district organized under ORS chapter 264.

(2) A cemetery maintenance district organized under ORS chapter 265.

(3) A park and recreation district organized under ORS chapter 266.

(4) A mass transit district organized under ORS 267.010 to 267.390.

(5) A transportation district organized under ORS 267.510 to 267.650.

(6) A metropolitan service district organized under ORS chapter 268.

(7) A translator district organized under ORS 354.605 to 354.715.

(8) A library district organized under ORS 357.216 to 357.286.

(9) A county road district organized under ORS 371.055 to 371.110.

(10) A special road district organized under ORS 371.305 to 371.360.

(11) A road assessment district organized under ORS 371.405 to 371.535.

(12) A highway lighting district organized under ORS chapter 372.

(13) A health district organized under ORS 440.305 to 440.410.

(14) A sanitary district organized under ORS 450.005 to 450.245.

(15) A sanitary authority or water supply authority organized under ORS 450.650 to 450.989.

(16) A county service district organized under ORS chapter 451.

(17) A vector control district organized under ORS 452.020 to 452.170.

(18) A rural fire protection district organized under ORS chapter 478.

(19) An airport district organized under ORS chapter 838.

(20) A geothermal heating district organized under ORS chapter 523.

(21) A water improvement district organized under ORS chapter 552.

(22) A water control district organized under ORS chapter 553.

(23) A weather modification district organized under ORS 558.200 to 558.440.

(24) A livestock district organized under ORS 607.005 to 607.051.

(25) A port organized under ORS 777.005 to 777.725 and 777.915 to 777.953.

(26) The Port of Portland established by ORS 778.010.

(27) A school district.

(28) Territory, other than territory within a city, proposed to be created, formed or incorporated into a district or to be annexed or otherwise added to a district.

(29) A soil and water conservation district organized under ORS 568.210 to 568.805. [Formerly 259.020; 1981 c.226 §16; 1983 c.238 §1; 1983 c.350 §70]

255.013 [1971 c.94 §2; 1973 c.264 §1; repealed by 1979 c.190 §431]

255.015 [1967 c.309 §2; 1969 c.401 §1; 1971 c.733 §4; 1973 c.794 §17; repealed by 1979 c.190 §431]

255.018 [1967 c.309 §3; 1979 c.190 §185; renumbered 251.155]

255.020 [Repealed by 1957 c.608 §231]

255.022 Procedures for district elections. (1) Except as otherwise specifically provided by the law under which the district is formed or is operating, a district election shall be conducted in accordance with this chapter.

(2) Except as otherwise provided by this chapter, district elections shall be subject to the election laws, excluding ORS chapter 251 providing for voters' pamphlets unless specifically applicable, and shall be conducted as nearly as practicable as are general elections. [Formerly 259.040]

255.025 [1955 c.154 §1; 1973 c.400 §1; 1975 c.766 §22; 1979 c.190 §174; renumbered 251.026]

255.027 [1971 c.733 §2; 1975 c.766 §6; 1979 c.190 §179; renumbered 251.085]

255.028 [1973 c.155 §4; 1975 c.766 §23; repealed by 1979 c.190 §431]

255.029 [1973 c.155 §5; 1975 c.766 §7; repealed by 1979 c.190 §431]

255.030 [Repealed by 1957 c.608 §231]

255.031 [1957 c.608 §192; 1959 c.457 §1; 1963 c.144 §1; 1969 c.82 §1; 1971 c.94 §6; 1973 c.658 §1; 1975 c.766 §8; 1975 c.779 §29; 1979 c.190 §177; 1979 c.533 §1; renumbered 251.065]

255.035 Authority of election officer to obtain advice and assistance. In performing functions under this chapter, the election officer may request the advice and assistance of the district election authority or the officers of the district. Upon receipt of a request, a district election authority or the officer of a district shall furnish advice and assistance to the maximum extent practicable. [Formerly 259.160]

255.040 [Amended by 1957 c.608 §193; 1959 c.457 §2; 1979 c.190 §176; renumbered 251.055]

255.045 Notice of change of district boundary. If the boundary of a district is changed, the district board immediately shall send a certified copy of the order, resolution or other action changing the boundary to the election officer. [1979 c.190 §265]

255.050 [Amended by 1955 c.96 §1; repealed by 1957 c.608 §231]

255.051 [1957 c.608 §194; 1959 c.457 §3; 1960 c.329 §1; 1975 c.766 §9; 1975 c.779 §30; 1979 c.190 §180; 1979 c.533 §3; renumbered 251.095]

255.055 Delegation to district election authority of responsibility to conduct district election. The election officer may

delegate to the district election authority at the request of the district election authority any responsibility to conduct the district election, in whole or in part, except the designation of polling places, if the election officer determines that:

(1) The election will be conducted in accordance with this chapter;

(2) The polling places designated by the election officer for the election will be the only polling places used by the district for that election; and

(3) No inconvenience for electors of the district will result. [Formerly 259.035]

255.060 [Repealed by 1957 c.608 §231]

255.061 [1957 c.608 §195; 1961 c.532 §1; 1969 c.83 §1; 1971 c.94 §7; 1975 c.766 §10; 1977 c.364 §1; 1979 c.190 §186; renumbered 251.165]

255.062 Date of election on measure referred by district election authority. Unless specifically provided otherwise, when the district election authority of a district that holds regular district elections refers a measure to the electors of the district, the election on the measure shall be held on a district election date specified by the district election authority in the order calling the election. The election date may not be sooner than the first available election date in ORS 255.345 (1) for which the filing deadline can be met after the date of the order calling the election and may not be later than the next regular district election following the 61st day after the date of the order. [1983 c.350 §72; 1985 c.808 §40; 1989 c.923 §13]

255.069 Delivery and preparation of form for updating information on members of district boards. (1) Not later than the 115th day before a regular district election, or not later than the 135th day before a district election held on the date of a primary or general election, the election officer shall deliver to each district election authority, by certified mail, a form for updating information on members of district boards. The form shall include, at a minimum, the district offices to be filled or for which candidates are to be nominated or elected at the next district election and information concerning the candidates.

(2) Not later than the 105th day before a regular district election or not later than the 125th day before a district election held on the date of a primary or general election, the district election authority shall return to the election officer the form for updating information on members of district boards.

(3) The election officer shall prepare the notice required by ORS 255.075 by using the form completed by the district election authority and any other information available. If the form is not returned by the district

election authority by the deadline specified in subsection (2) of this section, the election officer shall prepare the notice for the district using the most current information available. If the form is returned by the district election authority after the deadline, the election officer shall prepare a corrected notice. The district shall be liable for any additional costs incurred in preparing and publishing a corrected notice.

(4) The election officer shall retain the completed forms in a file maintained for that purpose. All forms shall be kept for a period of at least four years after the district election for which the form was completed.

(5) If a district is located in more than one county, the election officer shall immediately certify the information contained on the form required under subsection (2) of this section to the county clerk of any other county in which the district is located.

(6) The Secretary of State by rule shall establish the forms and procedures the election officer and the district election authority shall use in maintaining adequate records for preparation of the form required under subsection (1) of this section. [1991 c.719 §58]

Note: Sections 41 and 42, chapter 719, Oregon Laws 1991, provide:

Sec. 41. As used in ORS 249.088, 254.145 and section 58 of this Act [255.069], "primary election" means biennial primary election. [1991 c.719 §41]

Sec. 42. Section 41 of this Act is added to and made a part of chapter 267, Oregon Laws 1987. [1991 c.719 §42]

255.070 [Repealed by 1957 c.608 §231]

255.075 Publication of notice of district election to elect district board or district school board; notice by mail. (1) When a district election is to be held for the purpose of electing members of the district board, the election officer shall publish a notice stating the date of the election, the board positions to be voted upon and the latest date on which candidates for election as board members may file petitions for nomination or declarations of candidacy. The notice shall be printed once in a newspaper of general circulation in the district not later than the 40th day before the last day for filing a petition for nomination or declaration of candidacy.

(2) In lieu of or in addition to publication of notice under subsection (1) of this section, the election officer may give notice by mail to each elector of the district. The notice shall have postage prepaid and shall be considered given when mailed. The notice shall be made not later than the 40th day before the last day for filing a petition for nomination or declaration of candidacy. Proof of mailing shall be by affidavit of the district

election officer who mailed the notice. The affidavit shall state the time and place the notice was mailed.

(3) The Secretary of State by rule shall establish the procedures that the election officer shall follow in maintaining adequate records for preparation of the notice required under subsection (1) of this section. [Formerly 259.080; 1981 c.630 §6; 1983 c.379 §1; 1985 c.608 §41]

255.080 [Repealed by 1957 c.608 §231]

255.085 Notice of district election on issuance of bonds or on other measure.

(1) Not later than the 61st day before a district election on a measure to be held on the fourth Tuesday in March, the third Tuesday in May or the first Tuesday after the first Monday in November, on the 47th day before a district election on a measure to be held on the third Tuesday in September or the 34th day before a district election on a measure to be held on any other day, the district election authority shall deliver to the election officer a notice stating the date of the election and a ballot title. The district election authority shall prepare the ballot title for a measure referred by the authority with the assistance of the district attorney for the county of the election officer or an attorney employed by the district election authority.

(2) If a district submits a measure to the electors of the district at an election held on the third Tuesday in May or the first Tuesday after the first Monday in November and the district submitted a measure on the election date in ORS 255.345 (1) immediately preceding the date of an election held on the third Tuesday in May or the first Tuesday after the first Monday in November, the district election authority shall file the measure for the election held on the third Tuesday in May or the first Tuesday after the first Monday in November with the election officer not later than the 47th day before an election held on the third Tuesday in May or the first Tuesday after the first Monday in November.

(3) A notice of election called to approve the issuance of bonds shall include:

(a) The purpose for which the bonds are to be used;

(b) The amount and the term of the bonds;

(c) The kind of bonds proposed to be issued; and

(d) If the bond election is authorized by ORS 450.900, the additional notice requirements in ORS 450.905.

(4)(a) In the case of a measure submitted by initiative or referendum petition, the election officer shall publish the notice in

the next available edition of a newspaper of general circulation in the district after the deadline for filing the notice.

(b) In the case of a measure referred by the district election authority, the election officer shall publish the notice of election and a notice that an elector may file a petition for review of the ballot title not later than the date referred to in ORS 255.155, in the next available edition of a newspaper of general circulation in the district after the notice of election is filed. If the circuit court certifies a different ballot title, the election officer shall publish an amended notice of election in the next available edition of the newspaper referred to in this subsection after the new title is certified to the election officer. [Formerly 250.090; 1981 c.173 §32; 1981 c.391 §11; 1983 c.379 §2; 1985 c.808 §42; 1987 c.707 §23; 1989 c.923 §14; 1991 c.71 §10; 1991 c.107 §12]

255.090 [Repealed by 1957 c.608 §231]

255.095 Publication of election notice and facsimile of sample ballot. (1) Notice of any district election shall be published once in a newspaper of general circulation in the district.

(2) Not later than the day of the election nor sooner than the 15th day before the election, the election officer shall publish a facsimile, except as to size, of the sample ballot, a list of the polling places and the hours the polls are to be open. The information shall be published once in the newspaper in which the notice was published under subsection (1) of this section, at the current published local display advertising rate.

(3) The Secretary of State by rule may establish the procedure for preparing election notices for publication in a newspaper. [Formerly 259.100; 1983 c.379 §3]

INITIATIVE AND REFERENDUM

255.115 Definitions. As used in ORS 255.125 to 255.205, "district" means a district referred to in subsection (5) of section 1, Article IV, Oregon Constitution. [1979 c.190 §290]

255.125 Application of ORS 255.135 to 255.205. ORS 255.135 to 255.205 carry out the provisions of section 1, Article IV, Oregon Constitution, and shall apply to the exercise of initiative or referendum powers by the people of a district regarding a district measure. [1979 c.190 §291]

255.135 Submitting prospective petition; form of petition; statement regarding payment of petition circulators; annual statement. (1) Before circulating a petition to initiate or refer a district measure, the petitioner shall file with the election officer a prospective petition. The election officer immediately shall date and time stamp

the prospective petition, and specify the form on which the petition shall be printed for circulation. The officer shall retain the prospective petition.

(2) An initiative or referendum petition shall designate the name and residence address of not more than three persons as chief petitioners. The cover of a referendum petition shall contain the title described in ORS 255.145 (1). If the circuit court has not reviewed the ballot title under ORS 255.155, the cover of an initiative petition shall contain the ballot title described in ORS 255.145 (3). If the circuit court has reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the court.

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

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

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.

(4) Each sheet of signatures on an initiative petition shall contain the caption of the ballot title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance to be referred and the date it was adopted by the district board. Each sheet of signatures shall be attached to a full and correct copy of the measure to be initiated or referred.

(5) The reverse side of the cover of an initiative or referendum petition and both sides of a signature sheet may be used for obtaining signatures on an initiative or referendum petition. If both sides of a signature sheet are used, each side shall contain the information required on a signature sheet under subsection (4) of this section.

(6) Not more than 20 signatures on the cover or on each side of each sheet of the initiative or referendum petition shall be counted. The cover of the initiative or referendum petition, if the cover is used to gather signatures, and each signature sheet shall be verified on its face by the signed statement of the circulator that the individuals signed the cover or sheet in the presence of the circulator and that the circulator believes

each individual is an elector registered in the district.

(7) If the gathering of signatures exceeds the period of one year from the time the petition is approved for circulation, any of the chief petitioners, on or before the anniversary of approval of the petition for circulation:

(a) Shall file annually with the election officer a statement that the initiative petition is still active; and

(b) May submit to the election officer for verification any signatures gathered on the petition in the preceding year.

(8) Not later than 30 days before the date that the chief petitioners must file a statement and submit signatures under subsection (7) of this section, the election officer shall notify the chief petitioners in writing of the requirements of subsection (7) of this section. The notice shall be sent by certified mail, return receipt requested.

(9) The election officer shall not accept for filing any petition which has not met the provisions of subsection (7) of this section. [1979 c.190 §292; 1981 c.909 §8; 1983 c.756 §12; 1991 c.106 §3]

255.140 One subject determination; notice; appeal. (1) Not later than the fifth business day after receiving a prospective petition for an initiative measure, the election officer shall determine in writing whether the initiative measure meets the requirements of section 1 (2)(d), Article IV of the Oregon Constitution.

(2) If the election officer determines that the initiative measure meets the requirements of section 1 (2)(d), Article IV of the Oregon Constitution, the election officer shall proceed as required in ORS 255.145. The election officer shall include in the publication required under ORS 255.145 (5) a statement that the initiative measure has been determined to meet the requirements of section 1 (2)(d), Article IV of the Oregon Constitution.

(3) If the election officer determines that the initiative measure does not meet the requirements of section 1 (2)(d), Article IV of the Oregon Constitution, the election officer shall immediately notify the petitioner, in writing by certified mail, return receipt requested, of the determination.

(4) Any elector dissatisfied with a determination of the election officer under subsection (1) of this section may petition the circuit court of the judicial district in which the administrative office of the district is located seeking to overturn the determination of the election officer. If the elector is dissatisfied with a determination that the initiative measure meets the requirements of

section 1 (2)(d), Article IV of the Oregon Constitution, the petition must be filed not later than the seventh business day after the ballot title is filed with the election officer. If the elector is dissatisfied with a determination that the initiative measure does not meet the requirements of section 1 (2)(d), Article IV of the Oregon Constitution, the petition must be filed not later than the seventh business day after the written determination is made by the election officer.

(5) The review by the circuit court shall be the first and final review, and shall be conducted expeditiously to insure the orderly and timely circulation of the petition. [1991 c.719 §38]

Note: 255.140 was added to and made a part of 255.125 to 255.205 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

255.145 Preparation of ballot title for certain measures; notice. (1) When a prospective petition for a district measure to be referred is filed with the election officer, the officer shall authorize the circulation of the petition containing the title of the measure as enacted by the district election authority or, if there is no title, the title supplied by the petitioner filing the prospective petition. The election officer immediately shall send two copies of the prospective petition to the district attorney of the county in which the administrative office of the district is located.

(2) Not later than the sixth day after a prospective petition for a district measure to be initiated is filed with the election officer, the officer shall send two copies of it to the district attorney of the county in which the administrative office of the district is located if the measure to be initiated has been determined to be in compliance with section 1 (2)(d), Article IV of the Oregon Constitution, as provided in ORS 255.140.

(3) Not later than the fifth business day after receiving the copies of the prospective petition, the district attorney shall provide a ballot title for the district measure to be initiated or referred and return one copy of the prospective petition and the ballot title to the election officer. Unless the circuit court certifies a different title, this ballot title shall be the title printed on the ballot.

(4) A copy of the ballot title shall be furnished to the chief petitioner.

(5) The elections officer, upon receiving a ballot title for a district measure to be referred or initiated from the district attorney, shall publish in the next available edition of a newspaper of general circulation in the district a notice of receipt of the ballot title including notice that an elector may file a petition for review of the ballot title not

later than the date referred to in ORS 255.155. [1979 c.190 §293; 1985 c.808 §43; 1987 c.707 §20a; 1991 c.719 §29]

255.155 Procedure for elector dissatisfied with title. (1) Any elector dissatisfied with a ballot title filed with the election officer by the district attorney or district election authority may petition the circuit court of the judicial district in which the administrative office of the district is located seeking a different title and stating the reasons the title filed with the court is insufficient, not concise or unfair. The petition must be filed not later than the seventh business day after the title is filed with the election officer. The court shall review the title and measure to be initiated or referred, hear arguments, if any, and certify to the election officer a title for the measure which meets the requirements of ORS 250.035 and 250.039.

(2) The review by the circuit court shall be the first and final review, and shall be conducted expeditiously to insure the orderly and timely circulation of petitions or conduct of the election at which the measure is to be submitted to the electors. [1979 c.190 §294; 1983 c.514 §13a; 1987 c.707 §21; 1989 c.503 §16]

255.165 Signature requirements. (1) Except for a district measure of the Port of Portland, a metropolitan service district organized under ORS chapter 268, a school district with an enrollment exceeding 40,000 pupils or a mass transit district situated in a standard metropolitan statistical area with a population exceeding 400,000, other than a mass transit district measure relating to a route, schedule or fare change, a petition to refer or initiate a district measure must be signed by a number of electors registered in the district that:

(a) For an initiative petition, is not less than 15 percent of the total number of votes cast in the district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term; and

(b) For a referendum petition, is not less than 10 percent of the total number of votes cast in the district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term.

(2) A petition to refer or initiate a district measure of the Port of Portland, a metropolitan service district organized under ORS chapter 268, a school district with an enrollment exceeding 40,000 pupils or a mass transit district situated in a standard metropolitan statistical area with a population exceeding 400,000, other than a mass transit district measure relating to a route, schedule

or fare change, must be signed by a number of electors registered in the district that:

(a) For an initiative petition, is not less than six percent of the total number of votes cast in the district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term; and

(b) For a referendum petition, is not less than four percent of the total number of votes cast in the district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term.

(3) Except for a district measure of the Port of Portland, a metropolitan service district organized under ORS chapter 268, a school district with an enrollment exceeding 40,000 pupils or a mass transit district situated in a standard metropolitan statistical area with a population exceeding 400,000, other than a mass transit district measure relating to a route, schedule or fare change, a petition to refer a district measure must be filed with the elections officer not later than the 30th day after adoption of the district ordinance sought to be referred.

(4) A petition to refer a district measure of the Port of Portland, a metropolitan service district organized under ORS chapter 268, a school district with an enrollment exceeding 40,000 pupils or a mass transit district situated in a standard metropolitan statistical area with a population exceeding 400,000, other than a mass transit district measure relating to a route, schedule or fare change, must be filed with the elections officer not later than the 90th day after adoption of the district ordinance sought to be referred. [1979 c.190 §295; 1983 c.350 §75; 1987 c.211 §1; 1989 c.328 §1]

255.175 Filing officer; filing requirements; verification of signatures. (1) An initiative or referendum petition relating to a district measure shall be filed with the election officer for signature verification. The filed petition shall contain only original signatures.

(2) An initiative or referendum petition relating to a district measure shall not be accepted for filing if it contains less than 100 percent of the required number of signatures.

(3) For any petition requiring a number of signatures exceeding 4,500, the Secretary of State by rule shall designate a statistical sampling technique to verify whether a petition contains the required number of signatures of electors. A petition may not be rejected for the reason that it contains less than the required number of signatures unless two separate sampling processes both establish that the petition lacks the required

number of signatures. The second sampling must contain a larger number of signatures than the first sampling.

(4) The Secretary of State may employ professional assistance to determine the sampling technique referred to in subsection (3) of this section. [1979 c.190 §296; 1989 c.68 §9; 1991 c.580 §1]

255.185 Date of election on measure initiated or referred by electors. (1) In a district that holds regular district elections, if an initiative or referendum petition contains the required number of verified signatures, the election on the district measure shall be held on a district election date specified by the district election authority in the order calling the election. The election date may not be sooner than the next available date in ORS 255.345 for which the filing deadline may be met and may not be later than the first regular district election following the 40th day after the date of the order.

(2) In a district that does not hold regular district elections, if an initiative or referendum petition contains the required number of verified signatures, the election on the district measure shall be held on the next available district election date in ORS 255.345 for which the filing deadline may be met. [1979 c.190 §297; 1983 c.350 §76; 1985 c.808 §44; 1991 c.107 §13]

255.195 [1979 c.190 §298; 1985 c.471 §13; repealed by 1997 c.724 §7]

255.205 Retention of petition materials. The election officer shall retain the signature sheets of a filed initiative or referendum petition with a copy of the district measure. If the measure is approved by the district electors, a copy of the measure shall be preserved as a permanent public record, and the signature sheets shall be preserved for six years. [1979 c.190 §299]

255.210 [Repealed by 1957 c.608 §231]

255.211 [1957 c.608 §197; 1961 c.49 §3; 1971 c.94 §3; 1971 c.733 §5; 1973 c.658 §2; 1975 c.766 §11; 1979 c.190 §181; renumbered 251.115]

255.215 Notice by mail in lieu of or in addition to newspaper publication. In lieu of or in addition to publication of notice under ORS 255.085 and 255.095, if it is expedient to do so the election officer may give notice by mail to each elector of the district. The notice shall have postage prepaid, and shall be considered given when mailed. Mailed notice of a district election under ORS 255.085 shall be made not later than three days after receipt of the ballot title. Proof of mailing shall be by affidavit of the election officer. The affidavit shall state the time and place the notice was mailed. [Formerly 259.110; 1981 c.173 §33; 1981 c.639 §7; 1985 c.808 §45; 1991 c.107 §14]

255.220 [Amended by 1957 c.608 §198; repealed by 1979 c.190 §431]

255.230 [Repealed by 1957 c.608 §231]

255.231 [1957 c.608 §199; 1959 c.457 §4; 1971 c.94 §4; 1971 c.733 §6; 1973 c.658 §4; 1975 c.766 §12; repealed by 1979 c.190 §431]

NOMINATIONS

255.235 Nomination of candidates for election to district boards; withdrawal. (1) A candidate for election as a member of a district board shall be nominated by filing with the election officer either:

(a) A petition for nomination signed by at least 25 electors, or 10 percent of the electors, residing in the election district for the office, whichever number is less; or

(b) A declaration of candidacy accompanied by a filing fee of \$10.

(2) A petition for nomination or a declaration of candidacy shall be filed with the election officer not sooner than the 40th day before the deadline specified in paragraph (a) or (b) of this subsection and:

(a) Not later than the 61st day before the date of the district election if the election is a regular district election or the first election at which members of the district board are elected.

(b) Not later than the 70th day before the date of the district election if the election is held on the date of a primary or general election.

(3) A nominating petition or declaration of candidacy shall contain the information specified in ORS 249.031.

(4) In a district in which a position or zone number is assigned to each office on the district board, each petition for nomination, declaration of candidacy and certificate of nomination for election to the district board shall state the position or zone number of the office to which the candidate seeks election.

(5) The provisions of ORS 249.009 (1)(b) and 249.061 shall not apply to nominating petitions filed under this section.

(6) A nominee for election to the district board may withdraw the nomination not later than 5 p.m. of the last day specified for filing a petition or declaration under this section by filing with the election officer a written withdrawal of candidacy. The withdrawal shall be signed by the nominee and state the reasons for withdrawal. [Formerly 259.070; 1981 c.173 §34; 1983 c.350 §77; 1983 c.567 §17; 1985 c.808 §46; 1989 c.503 §17; 1989 c.923 §15; 1991 c.107 §15]

255.240 [Repealed by 1957 c.608 §231]

255.241 [1957 c.608 §200; 1961 c.532 §2; 1969 c.83 §2; 1971 c.94 §5; 1975 c.766 §13; 1977 c.364 §2; repealed by 1979 c.190 §431]

255.245 Nomination to fill vacancy that occurs after time for regular nomination; Secretary of State to adopt rules. If a vacancy occurs in the office of district board member within such time that a candidate for the vacancy could not be nominated under the procedures of this chapter before the regular district election, the Secretary of State by rule shall provide a nominating schedule when practicable so that candidates' names may be printed on the regular election ballot. With regard to this vacancy, requirements of publication of notice and sample ballots may be waived. The rule shall require notice of the vacancy and nominating procedure to the district electors by the most reasonable and expeditious means practicable under the circumstances, including but not limited to single publication in a newspaper of general circulation in the district. [Formerly 259.075]

255.250 [Amended by 1955 c.96 §2; repealed by 1957 c.608 §231]

255.260 [Repealed by 1957 c.608 §231]

CONDUCT OF ELECTIONS

255.265 Printing of proposed district measure in voters' pamphlet; filing; fees; "district" defined. (1) For the purpose of this section, "district" means:

(a) A mass transit district organized under ORS 267.010 to 267.390;

(b) A metropolitan service district organized under ORS chapter 268;

(c) A port organized under ORS 777.005 to 777.725 and 777.915 to 777.953; and

(d) The Port of Portland established by ORS 778.010.

(2) The Secretary of State shall print in the primary or general election voters' pamphlet any district measure, and any information appearing on the ballot relating to the measure, if the district election authority, not later than the 70th day before the primary or general election, files the measure and other information with the secretary, and if the time for filing a petition for judicial review of the ballot title under ORS 255.155 has passed. The district shall pay to the Secretary of State the cost of including the measure and other information in the pamphlet as determined by the secretary. [Formerly 259.045; 1981 c.173 §35]

Note: The amendments to 255.265 by section 55, 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.

255.265. (1) For the purpose of this section, "district" means:

(a) A mass transit district organized under ORS 267.010 to 267.390;

(b) A metropolitan service district organized under ORS chapter 268;

(c) A port organized under ORS 777.005 to 777.725; and

(d) The Port of Portland established by ORS 778.010.

(2) The Secretary of State shall print in the biennial primary or general election voters' pamphlet any district measure, and any information appearing on the ballot relating to the measure, if the district election authority, not later than the 70th day before the biennial primary or general election, files the measure and other information with the secretary, and if the time for filing a petition for judicial review of the ballot title under ORS 255.155 has passed. The district shall pay to the Secretary of State the cost of including the measure and other information in the pamphlet as determined by the secretary.

255.275 Consolidated use of election supplies. The county clerk, when practical, shall use the same election notices, election boards, polling places, official and sample ballots, poll books, equipment and materials necessary for the conduct of the elections. [Formerly 259.220]

255.285 Combining of election precincts. The county clerk may combine precincts for any district election not later than the 30th day before the election. [Formerly 259.126; 1985 c.471 §12]

255.288 Posting map of proposed boundaries for election on boundary question. At any election in which the question of establishing or changing the exterior boundaries of a district or the question of establishing or changing boundaries of electoral zones or subdistricts within a district is submitted to a vote, the election officer shall post in each voting compartment or by each shelf or table, within view of the elector, a map indicating the proposed boundaries. [1983 c.350 §74]

255.291 Ballot to state position or zone number of candidate. In a district in which a position or zone number is assigned to each office on the district board, the ballot shall state the position or zone number of the office to which the candidate seeks election. The candidate's name shall appear on the ballot only for the designated position or zone. [1983 c.350 §79]

255.295 Preparing abstract; certification of results. (1) Not later than the 20th day after the date of an election held on the same day as a primary or general election, or not later than the 10th day after an election held on any other day, the county clerk shall prepare an abstract of the votes and deliver it to the district election authority. Not later than the 30th day after receiving the abstract the district election authority shall determine from it the result of the election.

(2) A certificate of election shall be issued by the county clerk only after the district election authority has notified the

county clerk in writing of the result of the election. [Formerly 259.209; 1989 c.221 §1]

255.305 Expenses paid by district; apportionment of expenses. (1) Except as otherwise provided by ORS 198.775, 261.210 and 607.025, the expenses incurred for a district election shall be paid by that district.

(2) When two or more districts hold an election on the same day, the expenses of the election shall be equitably apportioned among the districts.

(3) The Secretary of State by rule:

(a) May designate a formula for the apportionment of expenses under subsection (2) of this section; and

(b) Designate categories of election expenses that are chargeable to a district. [Formerly 259.230; 1983 c.514 §14]

255.310 [Repealed by 1963 c.160 §1]

ELECTION DATES

255.325 Legislative intent to promote regularity of special district elections; rulemaking and enforcement by Secretary of State. The Secretary of State by rule shall require the districts that are not in compliance with ORS 255.335 to so comply. For this purpose, the rule may require adjusting or staggering terms of board members. [Formerly 259.235; 1981 c.173 §36]

255.335 Regular election dates; terms of board members; organizational meeting. (1) The regular district election shall be held by each district, that is not a school district, for the purpose of electing members of the district board to succeed a member whose term expires the following June 30 and to elect members to fill any vacancy which then may exist. The election shall be held in each such district in each odd-numbered year on the fourth Tuesday in March.

(2) Each school district not described in subsection (3) of this section shall hold the regular district election annually on the fourth Tuesday in March. A district shall not conduct more than one election of board members in any year.

(3) A school district having a population of 300,000 or more, according to the latest federal decennial census, shall hold the regular district election in each odd-numbered year on the fourth Tuesday in March.

(4) The first regular district election in a district shall be held on the regular district election date next following the year in which the first members of the district board were elected or appointed.

(5) The term of a board member elected at the regular district election shall com-

mence on the first day of July next following the election, and shall expire June 30 next following the regular district election at which a successor is elected.

(6) Each district board shall hold a regular organizational meeting following the regular district election and not later than the last day of July of that year. [Formerly 259.240; 1981 c.639 §8; 1983 c.350 §90; 1983 c.379 §4; 1989 c.923 §16]

255.345 Special election dates. (1) Except as provided in ORS 255.355 and subsection (2) of this section, a special election called by a district election authority shall not be held on any date other than:

(a) The fourth Tuesday in March;

(b) The third Tuesday in May;

(c) The last Tuesday in June;

(d) The third Tuesday in September; or

(e) The first Tuesday after the first Monday in November.

(2) A special election may be held on a date other than that provided in subsection (1) of this section, if the district election authority by resolution finds that an election sooner than the next available election date is required on a measure to finance repairs to property damaged by fire, vandalism or a natural disaster.

(3) As used in this section, "district election authority" means the body or officer authorized or required to call an election for a public corporation formed under, and deriving its powers solely from, the statutes of this state, but does not include a city or county. [Formerly 259.260; 1981 c.639 §9; 1989 c.923 §17; 1991 c.71 §4]

255.355 Special election for school levy; petition for election; notice. (1) A school district board may call a special election on a proposed levy to be held on a date other than a date specified in ORS 255.345, if it receives a petition described in subsection (2) of this section, or if the requirements of subsection (3) of this section are satisfied.

(2) The petition shall request that an election on a proposed levy be held, and shall contain signatures of electors of the district in a number not less than 10 percent of the number who voted at the last election held on the proposed levy. The signatures on the petition shall be verified by the election officer not later than the fifth day after the petition is filed with the officer. The petition shall not be accepted for filing unless the petition contains not less than 100 percent of the number of signatures required by this subsection.

(3) Whenever a school district board finds that as a result of the defeat of a proposed levy submitted to the electors of the district

a school closure will occur, the board may call the special election if:

(a) There is no date specified in ORS 255.345 that permits an election before the closure; and

(b) The Superintendent of Public Instruction concurs in writing with the finding of the board that a closure will otherwise occur.

(4) In the event of a special election called under this section, requirements relating to notice and sample ballots shall be waived. Notice of the election shall be given to district electors by the most reasonable and expeditious means under the circumstances, including but not limited to single publication of a sample ballot in a newspaper of general circulation in the district, radio announcements, posting at the schools of the district or notifying households in the district by means of handouts to students or others.

(5) The proposed levy submitted to district electors at an election called under this section shall not be greater than the proposed levy defeated by the electors at the immediately preceding election. [Formerly 259.265]

255.410 [Amended by 1953 c.359 §4; 1957 c.604 §20; 1961 c.532 §3; 1969 c.83 §3; 1975 c.766 §14; 1977 c.516 §4; 1979 c.190 §188; renumbered 251.185]

255.415 [1975 c.766 §25; 1977 c.460 §1; 1977 c.508 §12; 1979 c.190 §195; renumbered 251.255]

255.418 [1975 c.766 §18; 1979 c.190 §197; renumbered 251.275]

255.420 [Repealed by 1957 c.608 §231]

255.421 [1957 c.608 §203; 1959 c.457 §5; 1961 c.49 §4; 1965 c.350 §1; repealed by 1973 c.712 §5 (255.422 enacted in lieu of 255.421)]

255.422 [1973 c.712 §6 (enacted in lieu of 255.421); repealed by 1975 c.766 §29]

255.425 [1975 c.766 §17; repealed by 1977 c.460 §3]

255.430 [Amended by 1957 c.608 §204; 1975 c.766 §26; repealed by 1979 c.190 §431]

255.435 [1975 c.766 §2a; 1977 c.460 §2; 1979 c.190 §196; renumbered 251.265]

255.440 [Amended by 1953 c.350 §4; 1953 c.647 §2; 1957 c.608 §205; 1973 c.712 §7; 1979 c.190 §189; renumbered 251.195]

255.450 [Amended by 1957 c.608 §206; 1959 c.457 §6; repealed by 1973 c.712 §8 (255.452 enacted in lieu of 255.450)]

255.452 [1973 c.712 §9 (enacted in lieu of 255.450); repealed by 1975 c.766 §29]

255.455 [1977 c.516 §3; 1979 c.190 §198; 1979 c.749 §4; renumbered 251.285]

255.460 [Repealed by 1957 c.608 §231]

255.465 [1975 c.766 §27; 1979 c.190 §194; renumbered 251.245]

255.470 [1965 c.350 §2; 1975 c.766 §16; repealed by 1975 c.766 §29]

255.510 [1967 c.63 §2; 1979 c.190 §199; renumbered 251.295]

255.990 [Amended by 1973 c.155 §6; 1979 c.190 §200; renumbered 251.931]

CHAPTERS 256 AND 257

[Reserved for expansion]

Chapter 258

1991 EDITION

Election Contests; Recounts

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CROSS REFERENCES

- Election offenses, Ch. 260
- Jurisdiction of each house of the Legislative Assembly in judging of the election and returns of its own members, Const. Art. IV, §11
- Manner in which contested elections for Governor shall be determined, Const. Art. V, §6
- 258.006 to 258.085
- Election campaign finance regulation; administration and enforcement, Ch. 260
- Incumbents, defeated for reelection, terms limited, Const. Art. XV, §1
- Member of organization advocating overthrow of the United States Government by force or violence is not eligible to have name on ballot, 236.030

ELECTIONS

258.005 [1965 c.586 §2; repealed by 1979 c.190 §431]

ELECTION CONTESTS

258.006 Definitions. As used in this chapter:

(1) "Candidate" means a candidate for nomination or election to any elective office.

(2) "Contestant" means any person who files a petition of contest under ORS 258.036.

(3) "Contestee" means:

(a) In a contest of the nomination or election of a person for or to an office, the county clerk if the cause of the contest is ORS 258.016 (6), or the person nominated or elected if the cause of the contest is any other cause.

(b) In a contest of the approval or rejection of a measure, a person involved in the cause of the contest.

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

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

(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. [Formerly 251.015; 1983 c.392 §7; 1985 c.186 §11]

258.010 [1953 c.397 §1; repealed by 1965 c.586 §34]

258.015 [1965 c.586 §3; repealed by 1979 c.190 §431]

258.016 Grounds for contest; persons authorized to contest. The nomination or election of any person or the decision on any measure may be contested by any elector entitled to vote for the person or measure, or by any person who was a candidate at the election for the same nomination or office, only for the following causes:

(1) Deliberate and material violation of any provision of the election laws in connection with the nomination, election, approval or rejection.

(2) Ineligibility of the person elected to the office to hold the office at the time of the election.

(3) Illegal votes.

(4) Mistake or fraud in the canvass of votes.

(5) Fraud in the count of votes.

(6) Nondeliberate and material error in the distribution of the official ballots by a local election official, as that term is defined in ORS 246.012, or a county clerk. [Formerly 251.025; 1983 c.170 §1]

258.020 [1953 c.397 §2; repealed by 1965 c.586 §34]

258.025 [1965 c.586 §4; 1979 c.190 §24; renumbered 246.520]

258.026 When election results may be set aside. (1) The nomination or election of a person shall not be set aside for any cause listed in ORS 258.016 (3) to (5) unless:

(a) The person nominated or elected had knowledge of or connived in the cause of the contest; or

(b) The number of votes taken from the person nominated or elected by reason of the cause of the contest would reduce the legal votes of the person below the number of legal votes given to another person for the same nomination or office.

(2) The nomination or election of a person shall not be set aside for the cause described in ORS 258.016 (6) unless it can be determined that the nomination or election would have been given to one of the candidates other than the candidate nominated or elected if all votes not cast or tallied due to the error had been cast or tallied for the other candidate.

(3) The approval or rejection of a measure shall not be set aside unless it appears that:

(a) The number of votes taken from the approval or rejection by reason of the contest would reverse the outcome of the election; or

(b) The outcome of the election would have been reversed if all votes not cast or tallied due to an error under ORS 258.016 (6) had been cast or tallied for approval or rejection of the measure. [Formerly 251.035; 1983 c.170 §2]

258.030 [1953 c.397 §30; repealed by 1965 c.586 §34]

258.035 [1965 c.586 §5; repealed by 1979 c.190 §431]

258.036 Petition of contest. Not later than the 40th day after the election or the completion of a recount of votes cast in connection with the nomination, office or measure, any person authorized to contest a result of the election may file a petition of contest. The petition shall be filed with the circuit court clerk for the county in which the contestee resides or in which the certificate of nomination, certificate of election or proclamation is or will be issued. The petition shall specify the cause of the contest, name the contestees and be verified by the contestant in the manner required for the verification of complaints in civil cases. [Formerly 251.045]

258.040 [1953 c.397 §37; repealed by 1965 c.586 §34]

258.045 [1965 c.586 §6; 1979 c.190 §25; renumbered 246.530]

258.046 Contestant's bond or letter of credit; payment of costs, disbursements and fees. (1) Before any proceeding on a petition of contest, the contestant shall furnish a bond or an irrevocable letter of credit, conditioned upon the payment of all costs, disbursements and attorney fees that may be awarded against the contestant. Any bond shall have not less than two sureties, who shall justify in the manner required of sureties on bail bonds. Any letter of credit shall be issued by a commercial bank as defined in ORS 706.005. The circuit court shall determine the amount of and approve the bond or letter of credit. The amount of the bond or letter of credit shall not exceed \$2,000. If judgment is rendered against the contestant, it also shall be rendered against the sureties on the bond or the letter of credit issuer.

(2) The prevailing party in the contest proceeding shall recover costs, disbursements and reasonable attorney fees at trial and on appeal against the losing party. However, if the cause of the contest is a mistake in the canvass of votes and the contestant prevails, the cost of any recanvass of votes shall be paid by:

(a) The county for a contest of a state or county nomination, office or measure;

(b) The city for a contest of a city nomination, office or measure; or

(c) Any other political subdivision or public corporation for a contest of such a subdivision or corporation nomination, office or measure. [Formerly 251.060; 1981 c.897 §44; 1991 c.331 §50]

258.055 Notice and hearing on contest.

(1) When a petition of contest is filed with the clerk of the circuit court, the clerk shall cause a notice to be served on all contestees named in the petition, directing them to appear and respond not sooner than the third nor later than the seventh day after the date the petition was filed. Service shall be made in the same manner as a summons issued out of the circuit court.

(2) The circuit court shall fix a time, not later than the 20th day after the return date in the notice, for the hearing by the circuit court of the contest proceeding, and not later than the fifth day before the hearing shall give written notice of the hearing to each party to the proceeding. The contest proceeding shall take precedence over all other business on the circuit court docket.

(3) The circuit court shall hear and determine the proceeding without a jury, and the practice and procedure otherwise appli-

cable to civil cases shall govern the proceeding. [Formerly 251.070]

258.065 Effect of successful contest of nomination or election. (1) After the contest hearing, the circuit court shall render a judgment affirming or setting aside the nomination or election of the person for or to the office.

(2) If the judgment sets aside the nomination of a person, it also shall declare that the nomination is vacant.

(3) Except as provided in subsection (4) of this section, if the judgment sets aside the election of a person, the incumbent shall remain in office until a successor is elected.

(4) If the judgment sets aside the election of a person to an office sought by an incumbent who was defeated, the office shall be declared vacant.

(5) If the judgment under ORS 258.026 (2) sets aside the nomination or election of a person to a city office or as a member of the board of a district defined in ORS 255.012, the names of the candidates for the office shall be resubmitted to the electors at a special election held on the next available election date. The county of the county clerk or the local election official who committed the error in the distribution of the official ballots shall bear the cost of the election. [1979 c.190 §320; 1993 c.170 §3]

258.075 Effect of successful contest of measure. (1) After the contest hearing, the circuit court shall render a judgment affirming or setting aside the approval or rejection of the measure.

(2) If the judgment sets aside the approval or rejection of a measure, the circuit court shall direct the measure to be resubmitted at a special election held on one of the dates specified in this subsection, as set by the court. In setting the election date, the court shall provide sufficient time for adequate notice to be given. The special election may be held on any of the following dates:

(a) The fourth Tuesday in March;

(b) The third Tuesday in May;

(c) The last Tuesday in June;

(d) The third Tuesday in September; or

(e) The first Tuesday after the first Monday in November.

(3) The county of the county clerk or the local election official who committed the error in the distribution of the official ballots shall bear the cost of the special election. [1979 c.190 §321; 1983 c.170 §4; 1985 c.808 §47; 1989 c.923 §18; 1991 c.71 §5]

258.085 Appeal to Court of Appeals. Any party to the contest proceeding may appeal from the judgment rendered by the cir-

cuit court to the Court of Appeals in the same manner as appeals in civil cases are taken. The appeal shall take precedence over all other business on the docket. [Formerly 251.090]

258.105 [1965 c.586 §7; 1979 c.190 §246; renumbered 246.540]

258.110 [1953 c.397 §31; 1957 c.608 §207; repealed by 1965 c.586 §34]

258.115 [1965 c.586 §8; repealed by 1979 c.190 §431]

258.120 [1953 c.397 §33; repealed by 1965 c.586 §34]

258.125 [1965 c.586 §9; repealed by 1979 c.190 §431]

258.130 [1953 c.397 §32; repealed by 1965 c.586 §34]

258.135 [1965 c.586 §10; repealed by 1979 c.190 §431]

258.145 [1965 c.586 §11; 1967 c.335 §25; repealed by 1979 c.190 §431]

RECOUNTS

258.150 Authority of Secretary of State over recounts. The Secretary of State shall be responsible for insuring that the procedures to be used in conducting election recounts assure an accurate recount in the shortest time at the least expense. Whenever demands are filed for a recount of a vote for both a measure and a nomination or office, or for more than one measure, nomination or office, the Secretary of State may determine the most appropriate procedure to be used in conducting the recounts simultaneously. [Formerly 251.625]

258.155 [1965 c.586 §12; 1979 c.190 §28; renumbered 246.550]

258.160 [1953 c.397 §34; 1957 c.608 §208; repealed by 1965 c.586 §34]

258.161 Filing demand for recount with Secretary of State; deposit. (1) A candidate or an officer of a political party on behalf of a candidate of the political party may file a demand requiring the Secretary of State to direct that a recount be made in specified precincts in which votes were cast for the nomination or office for which the candidate received a vote.

(2) An elector may file a demand requiring the Secretary of State to direct that a recount be made in specified precincts in which votes were cast on any measure which appeared on the ballot.

(3) The person making a demand for a recount, in the first demand, may specify by number 5, 10 or 100 percent of the precincts in which votes were cast for the nomination or office or on the measure to be recounted. If in the first demand the person requested a recount of the vote in five percent of the precincts, the person may file a supplemental demand and specify by number another five percent of the precincts or all the remainder of the precincts. The person making the supplemental demand for a recount of another five percent of the precincts may file a sec-

ond supplemental demand only to request a recount of the vote in all remaining precincts. If in the first demand the person requested a recount of the vote in 10 percent of the precincts, the person may file a supplemental demand and specify by number all the remainder of the precincts.

(4) Each demand shall be accompanied by a cash deposit of \$15 for each precinct to be recounted up to a maximum of \$8,000 for a recount of all precincts in the state on a measure or for a nomination or office. The Secretary of State may retain the deposit for not more than 60 days after the election for which the recount was demanded, without depositing it in the General Fund.

(5) Each demand shall be in the form and shall contain the information prescribed by the Secretary of State, including the names and addresses of all persons and organizations providing any part of the cash deposit and the amount provided by each. The person filing a demand shall swear to or affirm the demand before a judge, justice of the peace, county clerk or notary public.

(6) The first demand shall be filed in the office of the Secretary of State not later than the 35th day, a first supplemental demand not later than the 45th day, and a second supplemental demand not later than the 50th day, after the date of the election in which votes were cast for the nomination, office or measure. [Formerly 251.520; 1981 c.142 §5; 1981 c.173 §37]

258.165 [1965 c.586 §13; 1969 c.537 §1; 1979 c.190 §29; renumbered 246.560]

258.170 [1953 c.397 §35; 1957 c.608 §209; repealed by 1965 c.586 §34]

258.171 Recount of all precincts required to change results. The person making a demand for a recount shall be bound by the original official returns unless the person demands a recount of 100 percent of the precincts in which votes were cast for the nomination or office or on the measure. [1979 c.190 §325]

258.180 [1953 c.397 §38; 1957 c.608 §210; repealed by 1965 c.586 §34]

258.181 One recount only; two or more recount demands. (1) Except as provided in subsection (4) of this section, only one recount shall be made for any measure, nomination or office for which a recount may be demanded.

(2) If two or more demands for the recount of the same measure are filed with the Secretary of State the demand first received by the Secretary of State shall be considered the demand for a recount.

(3) If two or more demands for the recount of the same nomination or office are filed with the Secretary of State the demand

received from or on behalf of the losing candidate receiving the highest number of votes shall be considered the demand for a recount.

(4) If the demand for a recount under subsection (2) or (3) of this section specifies five or 10 percent of the precincts, any elector may file a supplemental demand as provided in ORS 258.161. [Formerly 251.540; 1985 c.808 §48]

258.190 Secretary of State ordering recount after demand; notice. (1) After a recount demand is filed, the Secretary of State shall direct the official who conducted the election or the clerk of any county containing precincts in which ballots were cast on the measure or for the nomination or office specified in the demand for a recount to conduct a recount in the precincts specified in the demand.

(2) If the demand for a recount of votes cast for a nomination or office is filed, the Secretary of State, not later than the third day after the filing of the first demand, shall notify the affected candidates by certified or registered mail that a recount is to be made in the precincts specified in the demand.

(3) The official who is to conduct the recount, within a reasonable time before the recount, shall notify the affected candidates or the individual filing the demand for recount for a measure of the date, time and place of the recount. [Formerly 251.550]

258.192 [1950 c.582 §2; repealed by 1965 c.586 §34]

258.194 [1950 c.582 §3; repealed by 1965 c.586 §34]

258.196 [1950 c.582 §§4, 5, 6; repealed by 1965 c.586 §34]

258.198 [1950 c.582 §7; repealed by 1965 c.586 §34]

258.200 Counting boards; appointment; compensation. (1) After receiving notice from the Secretary of State that a recount is to be made, the official directed to conduct the recount shall appoint counting boards from the list of electors qualified to vote in the county in which the recount is demanded. The official shall appoint as many counting boards as may be necessary to complete the recount within the shortest practicable time after the demand is filed. No member of the counting boards shall have been a candidate for any office voted upon at the election. The members of a counting board shall not all be members of the same political party.

(2) Each member of the counting board shall be compensated at the rate which election board clerks were paid at the election before the recount. Compensation shall be paid by the county in a recount of a state or county nomination, office or measure; by a city in a recount of a city nomination, office or measure; by a political

subdivision in a recount of a subdivision nomination, office or measure; or from the deposit under ORS 258.250. [Formerly 251.560; 1981 c.173 §38]

258.205 [1965 c.586 §14; repealed by 1979 c.190 §431]

258.210 [1953 c.397 §3; 1957 c.608 §211; repealed by 1965 c.586 §34]

258.211 Opening ballot boxes; person permitted to be present. (1) The ballot boxes containing the ballots to be recounted shall be opened by the official directed to make the recount only in the presence of the counting board and the persons referred to in this section.

(2) The counting board shall conduct the recount and, if requested, permit:

(a) In the instance of a nomination or office, an affected candidate or an elector authorized in writing by an affected candidate, and an elector authorized in writing by each major or minor political party to be present to watch the recount.

(b) In the instance of a measure, one elector advocating and one elector opposing the measure to be present to watch the recount. [Formerly 251.570]

258.215 [1965 c.586 §15; 1973 c.662 §2; 1975 c.212 §1; 1977 c.820 §18; 1979 c.317 §14; repealed by 1979 c.190 §431]

258.220 [1953 c.397 §8; 1957 c.608 §212; repealed by 1965 c.586 §34]

258.221 Completion of recount; certifying votes and cost; notification of person demanding recount. (1) The recount shall be completed as soon as practicable after the demand is filed.

(2) If all the precincts in which votes were cast on a measure or for a nomination or office are recounted, the official directed to conduct the recount, as soon as practicable after completion of the recount, shall:

(a) Certify the abstract of votes recounted to the Secretary of State.

(b) Certify the abstract of votes recounted to the official issuing certificates of nomination or election regarding a nomination or office, or to the official responsible for issuing a proclamation regarding a measure. The official then shall issue the appropriate certificate or proclamation.

(c) Notify by mail the person who filed the demand for the recount of the result and the cost of the recount.

(3) Not later than the fourth day after the completion of the recount the official directed to conduct the recount shall certify the cost of the recount to the Secretary of State. [Formerly 251.590]

258.225 [1965 c.586 §16; 1979 c.317 §15; repealed by 1979 c.190 §431]

258.230 [1953 c.397 §9; 1957 c.608 §213; repealed by 1965 c.586 §34]

258.231 Costs to be included and excluded from recount costs. (1) The certification of costs of a recount required in ORS 258.221 (3) may include:

(a) Compensation of recount boards.

(b) Compensation of additional employees required to conduct the recount and overtime payment to regular employees who are eligible to receive such payments.

(c) Postage and telephone charges directly related to the recount.

(2) The certification of costs of a recount required in ORS 258.221 (3) shall not include:

(a) General administrative costs.

(b) The costs for security.

(c) Allowances for meals or lodging. [Formerly 251.630]

258.235 [1965 c.586 §17; 1979 c.317 §16; repealed by 1979 c.190 §431]

258.240 [1953 c.397 §10; repealed by 1965 c.586 §34]

258.241 Official return after recount.

(1) If 100 percent of the precincts in which votes were cast on a measure or for a nomination or office are recounted, the abstract of votes resulting from the recount shall be the official return of the election.

(2) If 100 percent of the precincts in which votes were cast on a measure or for a nomination or office are not recounted, the abstract of votes recounted shall not be certified and the abstract of votes resulting from the original count shall be the official return of the election. [Formerly 251.600]

258.245 [1965 c.586 §18; 1979 c.190 §254; renumbered 254.315]

258.250 Payment of cost of recount. (1)

If the abstract of votes resulting from the recount shows that the outcome of the election on the measure was changed or that a candidate for whose benefit the recount was demanded received a plurality of the votes, the deposit required by ORS 258.161 shall be refunded by the Secretary of State to the person who filed the demand.

(2) The Secretary of State shall transfer the deposit required by ORS 258.161 and any additional amount paid pursuant to subsection (5) of this section to a special account in the General Fund if:

(a) 100 percent of the precincts in which votes were cast on a measure or for a nomination or office were not recounted; or

(b) The abstract of votes resulting from the recount shows that:

(A) The outcome of the election on the measure was not changed; or

(B) A candidate for whose benefit the recount was demanded did not receive a plurality of the votes.

(3) All moneys deposited in the special account under subsection (2) of this section are appropriated for the purpose of reimbursing the county, city or other political subdivision or public corporation for the cost of the recount.

(4) Upon receipt from the official directed to conduct the recount of a signed certificate itemizing the cost of the recount, the Secretary of State shall request the Executive Department to issue warrants for the amount so certified. Any portion of the deposit required by ORS 258.161 remaining after the cost of the recount has been paid shall be refunded to the person who filed the demand upon receipt of a warrant from the Executive Department showing the amount of the refund to which the person is entitled.

(5) If the cost of the recount exceeds the amount of the deposit required by ORS 258.161, and if the person who filed the demand does not qualify for a refund under subsection (1) of this section, the person shall pay to the Secretary of State the amount of the excess cost. [Formerly 251.610; 1983 c.740 §66]

258.255 [1965 c.586 §19; 1979 c.317 §17; repealed by 1979 c.190 §431]

258.260 Costs to be collected for multicounty or statewide election recounts. If the demand for recount is made for a multicounty or statewide election, the Secretary of State also may collect those costs allowed in ORS 258.231 (1) which the secretary incurs as a result of the recount. [Formerly 251.635]

258.265 [1965 c.586 §20; repealed by 1979 c.190 §431]

258.270 Payment of costs where more than one recount conducted simultaneously. If two or more recounts are conducted simultaneously, payment of the costs of the recount in counties where the same precinct or precincts are designated for recount by more than one person shall be equitably apportioned among those persons. With the advice of the official directed to conduct the recount, the Secretary of State shall determine the apportionment of costs. [Formerly 251.615]

258.275 [1965 c.586 §21; 1977 c.508 §13; repealed by 1979 c.190 §431]

258.280 Secretary of State initiating order for recount in elections of candidates for office; costs of recount to be paid by governmental unit. (1) The Secretary of State shall order a recount of the votes cast for nomination or election to a public office if the canvass of votes of the election reveals that:

(a) Two or more candidates for that nomination or office have an equal and the highest number of votes; or

(b) The difference in the number of votes cast for a candidate apparently nominated or elected to the office and the votes cast for the 'closest apparently defeated opponent is not more than one-fifth of one percent of the total votes for both candidates.

(2) The cost of a recount conducted under this section shall be paid by the county for a county office, by the city for a city office, by the special district for a special district office or by the state for any other office. [Formerly 251.640; 1985 c.808 §49]

258.285 [1965 c.586 §22; 1979 c.317 §18; repealed by 1979 c.190 §431]

258.290 Secretary of State initiating order for recount in elections on measures; costs of recount to be paid by governmental unit. (1) If the official canvass of votes of an election reveals that the difference in the number of votes cast for or against any measure is not more than one-fifth of one percent of the total votes cast for and against the measure, the Secretary of State shall order a recount of all votes cast for the measure.

(2) The cost of a recount conducted under this section shall be paid by the state, county, city or special district for which the measure was proposed. [Formerly 251.645]

258.295 [1965 c.586 §26; 1979 c.190 §256; renumbered 254.335]

258.300 Election officials to notify Secretary of State when recount required. Immediately following the completion of the official canvass of votes for any election, the elections officer who prepared the canvass shall notify the Secretary of State of any election subject to an automatic recount under ORS 258.280 and 258.290. [Formerly 251.630]

258.305 [1965 c.586 §27; 1979 c.190 §257; renumbered 254.345]

258.310 [1953 c.397 §4; 1957 c.608 §214; repealed by 1965 c.586 §34]

258.315 [1965 c.586 §28; 1979 c.317 §19; 1979 c.317 §19a; 1979 c.519 §29; repealed by 1979 c.190 §431]

258.320 [1953 c.397 §5; 1957 c.608 §215; repealed by 1965 c.586 §34]

258.325 [1965 c.586 §29; repealed by 1979 c.190 §431]

258.330 [1953 c.397 §6; repealed by 1965 c.586 §34]

258.335 [1965 c.586 §30, 31; repealed by 1979 c.190 §431]

258.345 [1965 c.586 §32; repealed by 1979 c.190 §431]

258.355 [1965 c.586 §23; repealed by 1979 c.190 §431]

258.365 [1965 c.586 §24; repealed by 1979 c.190 §431]

258.375 [1965 c.586 §25; repealed by 1979 c.190 §431]

258.380 [1977 c.231 §2; 1979 c.190 §241; renumbered 254.175]

258.405 [1965 c.139 §2, 4; 1967 c.384 §1; 1979 c.190 §30; renumbered 246.570]

258.410 [1953 c.397 §7; repealed by 1965 c.586 §34]

258.415 [1965 c.139 §3; 1967 c.384 §2; 1979 c.190 §31; renumbered 246.580]

258.420 [1953 c.397 §11; repealed by 1965 c.586 §34]

258.425 [1965 c.139 §5; 1967 c.335 §26; 1971 c.749 §85; 1979 c.190 §32; renumbered 246.590]

258.430 [1953 c.397 §12; repealed by 1965 c.586 §34]

258.435 [1965 c.139 §6; 1979 c.190 §33; renumbered 246.600]

258.440 [1953 c.397 §13; repealed by 1965 c.586 §34]

258.445 [1965 c.139 §7; 1979 c.190 §34; renumbered 246.610]

258.450 [1953 c.397 §14; 1957 c.608 §216; repealed by 1965 c.586 §34]

258.460 [1953 c.397 §15; 1957 c.608 §217; repealed by 1965 c.586 §34]

258.510 [1953 c.397 §17; 1957 c.608 §218; repealed by 1965 c.586 §34]

258.520 [1953 c.397 §18; repealed by 1965 c.586 §34]

258.530 [1953 c.397 §19; repealed by 1965 c.586 §34]

258.540 [1953 c.397 §20; repealed by 1965 c.586 §34]

258.550 [1953 c.397 §16; 1957 c.608 §219; repealed by 1965 c.586 §34]

258.560 [1953 c.397 §21; 1957 c.608 §220; repealed by 1965 c.586 §34]

258.570 [1953 c.397 §36; repealed by 1965 c.586 §34]

258.610 [1953 c.397 §22; repealed by 1965 c.586 §34]

258.620 [1953 c.397 §23; 1957 c.608 §221; repealed by 1965 c.586 §34]

258.630 [1953 c.397 §25; repealed by 1965 c.586 §34]

258.640 [1953 c.397 §24; repealed by 1965 c.586 §34]

258.650 [1953 c.397 §26; 1957 c.608 §222; repealed by 1965 c.586 §34]

258.660 [1953 c.397 §27; 1957 c.608 §223; repealed by 1965 c.586 §34]

258.670 [1953 c.397 §28; 1957 c.608 §224; repealed by 1965 c.586 §34]

258.680 [1953 c.397 §29; repealed by 1965 c.586 §34]

258.710 [1963 c.530 §1; repealed by 1965 c.586 §34]

258.720 [1963 c.530 §2; repealed by 1965 c.586 §34]

258.730 [1963 c.530 §3; repealed by 1965 c.586 §34]

258.740 [1963 c.530 §4, 8, 26; repealed by 1965 c.586 §34]

258.750 [1963 c.530 §28; repealed by 1965 c.586 §34]

258.760 [1963 c.530 §32; repealed by 1965 c.586 §34]

258.770 [1963 c.530 §5; repealed by 1965 c.586 §34]

258.780 [1963 c.530 §6; repealed by 1965 c.586 §34]

258.790 [1963 c.530 §7, 15; repealed by 1965 c.586 §34]

258.800 [1963 c.530 §9; repealed by 1965 c.586 §34]

258.820 [1963 c.530 §10; repealed by 1965 c.586 §34]

258.830 [1963 c.530 §11; repealed by 1965 c.586 §34]

258.840 [1963 c.530 §12, 18; repealed by 1965 c.586 §34]

258.850 [1963 c.530 §19; repealed by 1965 c.586 §34]

258.860 [1963 c.530 §17; repealed by 1965 c.586 §34]

258.870 [1963 c.530 §13; repealed by 1965 c.586 §34]

258.880 [1963 c.530 §14; repealed by 1965 c.586 §34]

258.890 [1963 c.530 §16; repealed by 1965 c.586 §34]

258.910 [1963 c.530 §20, 22; repealed by 1965 c.586 §34]

258.920 [1963 c.530 §21; repealed by 1965 c.586 §34]

258.930 [1963 c.530 §23; repealed by 1965 c.586 §34]

258.940 [1963 c.530 §24; repealed by 1965 c.586 §34]

ELECTION CONTESTS; RECOUNTS

258.300

258.950 [1963 c.530 §25; repealed by 1965 c.586 §34]	258.990 [1953 c.397 §39; repealed by 1965 c.586 §34]
258.960 [1963 c.530 §27; repealed by 1965 c.586 §34]	258.995 [1965 c.586 §33; repealed by 1979 c.190 §431]
258.970 [1963 c.530 §§29, 30, 31; repealed by 1965 c.586 §34]	

ELECTIONS

Chapter 259

1991 EDITION

Special District Elections

Note: For the statutes relating to special district elections see ORS chapter 255.

- 259.005 [1973 c.796 §2; repealed by 1979 c.190 §431]
- 259.010 [1971 c.647 §1; 1973 c.796 §3; 1977 c.301 §6; 1979 c.190 §280; renumbered 255.005]
- 259.020 [1971 c.647 §2; 1973 c.796 §4; 1975 c.286 §13; 1975 c.598 §1; 1975 c.782 §§50, 50a; 1979 c.108 §6; 1979 c.190 §281; renumbered 255.012]
- 259.030 [1971 c.647 §3; repealed by 1979 c.190 §431]
- 259.035 [1975 c.647 §13; 1979 c.190 §286; renumbered 255.055]
- 259.040 [1971 c.647 §25; 1977 c.516 §7; 1979 c.190 §283; 1979 c.533 §4; renumbered 255.022]
- 259.045 [1977 c.516 §6; 1979 c.190 §303; renumbered 255.265]
- 259.050 [1971 c.647 §§18, 19, 20; 1975 c.647 §2; repealed by c.190 §431]
- 259.060 [1971 c.647 §4; 1979 c.190 §307; repealed by 1979 c.519 §38]
- 259.070 [1971 c.647 §6; 1974 s.s. c.45 §6; 1977 c.829 §19; 1979 c.190 §301; renumbered 255.035]
- 259.075 [1977 c.829 §2; 1979 c.190 §302; renumbered 255.215]
- 259.080 [1971 c.647 §5; 1975 c.647 §3; 1977 c.301 §6a; 1979 c.190 §287; renumbered 255.075]
- 259.090 [1971 c.647 §7; 1975 c.647 §4; 1977 c.301 §7; 1979 c.190 §288; renumbered 255.085]
- 259.100 [1971 c.647 §8; 1975 c.647 §5; 1977 c.301 §8; 1979 c.190 §289; 1979 c.519 §30; renumbered 255.095]
- 259.110 [1971 c.647 §9; 1977 c.301 §9; 1979 c.190 §300; renumbered 255.215]
- 259.120 [1971 c.647 §10; 1973 c.796 §8; 1977 c.301 §10; 1979 c.190 §306; 1979 c.317 §20b; 1979 c.519 §31a; renumbered 255.285]
- 259.130 [1971 c.647 §11; 1979 c.317 §21; repealed by 1979 c.190 §431]
- 259.140 [1971 c.647 §12; 1979 c.317 §22; repealed by 1979 c.190 §431]
- 259.150 [1971 c.647 §13; 1975 c.647 §6; 1979 c.317 §23a; 1979 c.519 §31; repealed by 1979 c.190 §431]
- 259.160 [1971 c.647 §21; 1979 c.190 §284; renumbered 255.035]
- 259.170 [1971 c.647 §22; 1973 c.796 §9; repealed by 1977 c.301 §15]
- 259.180 [1971 c.647 §14; 1975 c.647 §7; repealed by 1979 c.190 §431]
- 259.190 [1971 c.647 §15; repealed by 1979 c.190 §431]
- 259.200 [1971 c.647 §16; 1975 c.647 §8; 1977 c.301 §11; 1979 c.190 §308; 1979 c.317 §24c; 1979 c.519 §32a; renumbered 255.295]
- 259.210 [1971 c.647 §17; repealed by 1979 c.190 §431]
- 259.220 [1971 c.647 §23; 1979 c.190 §304; 1979 c.317 §25a; renumbered 255.275]
- 259.230 [1971 c.647 §148; 1975 c.647 §9; 1979 c.190 §309; 1979 c.519 §33a; renumbered 255.305]
- 259.235 [1977 c.103 §4; 1979 c.190 §310; renumbered 255.325]
- 259.240 [1973 c.796 §5; 1974 s.s. c.45 §1; 1975 c.647 §10; 1977 c.103 §1; 1977 c.149 §1; 1977 c.301 §12; 1977 c.681 §1; 1979 c.190 §311; 1979 c.316 §5b; renumbered 255.335]
- 259.250 [1973 c.796 §6; 1974 s.s. c.45 §2; repealed by 1977 c.829 §23]
- 259.260 [1973 c.796 §7; 1974 s.s. c.45 §3; 1975 c.647 §11; 1977 c.254 §2; 1977 c.301 §13a; 1979 c.190 §312; 1979 c.316 §5; renumbered 255.345]
- 259.265 [1977 c.254 §2; 1979 c.190 §313; renumbered 255.355]

ELECTIONS

Chapter 260

1991 EDITION

Campaign Finance Regulation; Election Offenses

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260.039	Statement of organization; where candi- date is own treasurer; principal campaign committee
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260.055	Accounts of contributions and expendi- tures; inspection; preservation of accounts (Statements of Contributions and Expendi- tures)
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260.068	Statements of candidates and principal campaign committees for general election; supplement to second preelection state- ment; supplemental statements for certain candidates; supplemental statements of unexpended balances and deficits; times for filing
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260.175	Prohibited uses of moneys paid to political party (Administration and Enforcement)
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ELECTION CAMPAIGN FINANCE REGULATION

(Generally)

260.005 Definitions. As used in this chapter:

(1) "Candidate" means an individual whose name is printed on a ballot, or whose name is expected to be or has been presented with the individual's consent, for nomination or election to public office, or a public office holder against whom a recall petition has been completed and filed. For purposes of ORS 260.005 to 260.156, "candidate" does not include a candidate for the office of precinct committee person.

(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.

(3) "Contribute" or "contribution" includes the payment, unrepaid 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, to or on behalf of a candidate, political committee or measure; and any unfulfilled pledge, subscription, agreement or promise, whether or not legally enforceable, to make a contribution. Regarding a contribution made for compensation or consideration of less than equivalent value, only the excess value of it shall be considered a contribution.

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

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

(6) "Expend" or "expenditure" includes the payment or furnishing of money or any thing 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 in support of or opposition to a candidate, political committee or measure. "Expenditure" also includes contributions made by a candidate or political committee to or on behalf of any other candidate or political committee.

(7) "Filing officer" means the:

(a) Secretary of State, regarding a candidate for any state office or any office to be voted for in the state at large or in a con-

gressional district; or regarding a measure to be voted for in the state at large.

(b) County clerk, regarding a candidate for any county office or any district or precinct office within the county, or regarding a measure to be voted for in one county or in a district situated wholly within one county.

(c) Chief city election officer, regarding a candidate for any city office, or a measure to be voted for in a city only.

(d) County clerk of the county in which the office of the chief administrative officer or administrative board is located regarding a candidate for office for any district or regarding a measure to be voted on in a district, when the district is situated in more than one county.

(8) "Judge" means judge of the Supreme Court, Court of Appeals, circuit or district court or the Oregon Tax Court.

(9) "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.

(10) "Occupation" means the nature of an individual's principal business or, if the individual is employed by another person, the nature of the individual's principal business or the business name and address of the employer.

(11) "Person" means an individual or a corporation, association, firm, partnership, joint stock company, club, organization or other combination of individuals having collective capacity.

(12) "Political committee" means a combination of two or more individuals, or a person other than an individual, the primary or incidental purpose of which is to support or oppose any candidate, measure or political party, and which has received a contribution or made an expenditure for that purpose.

(13) "Public office" means any national, state, county, district, city office or position, except a political party office, that is filled by the electors.

(14) "State office" means the office of Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, state Senator,

state Representative, judge or district attorney. [1971 c.749 §1; 1973 c.744 §1; 1975 c.683 §6; 1977 c.674 §1; 1979 c.190 §339; 1983 c.350 §81; 1983 c.392 §8; 1985 c.808 §52; 1987 c.727 §1; 1989 c.80 §1; 1989 c.503 §41; 1991 c.87 §4; 1991 c.719 §61]

260.010 [Amended by 1969 c.279 §2; 1971 c.749 §25; renumbered 260.305]

260.020 [Amended by 1957 c.643 §2; repealed by 1971 c.749 §82]

260.025 [1971 c.749 §2; repealed by 1973 c.623 §3]

260.027 [1973 c.623 §2; repealed by 1975 c.684 §11]

260.030 [Amended by 1957 c.643 §3; 1971 c.749 §26; renumbered 260.315]

(Treasurers, Statements of Organization and Accounts)

260.035 Treasurers; requirement; appointment; functions; change in information. (1) Each political committee shall appoint a treasurer and certify the name and address of the treasurer to the filing officer. The treasurer shall be an elector of this state.

(2) No contribution shall be received or expenditure made by or on behalf of a political committee until the political committee appoints a treasurer and certifies the name and address of the treasurer to the filing officer.

(3) Contributions shall be received and expenditures made by or through the treasurer of the political committee.

(4) Any change in information required under this section shall be indicated in an amended certification filed not later than the 10th day after the change in information. [1971 c.749 §3; 1973 c.744 §2; 1977 c.829 §20; 1979 c.190 §340; 1991 c.719 §62]

260.037 Treasurers for candidates; appointment; liability of candidate for default or violation of treasurer. A candidate may serve as the candidate's own treasurer or may appoint and certify to the filing officer the name and address of a treasurer. A candidate's treasurer shall perform all the duties prescribed for the candidate under ORS 260.005 to 260.255. The candidate, in addition to the treasurer, shall be personally responsible for the performance of such duties and any default or violation by the treasurer shall be conclusively considered a default or violation by the candidate. [1973 c.744 §4; 1979 c.190 §341]

260.038 Treasurer may serve more than one candidate or committee; replacement of treasurer. (1) An individual may be appointed and serve as treasurer of a candidate and a political committee or of two or more candidates or political committees.

(2) A candidate or political committee may remove a treasurer. In event of the

death, resignation or removal of a treasurer before compliance with all obligations of a treasurer under ORS 260.005 to 260.255, a candidate may and a political committee shall appoint a successor and certify the name and address of the successor in the manner of an original appointment. [1979 c.190 §142]

260.039 Statement of organization; where candidate is own treasurer; principal campaign committee. (1) A candidate who serves as the candidate's own treasurer, or the treasurer of the principal campaign committee, shall file a statement of organization with the appropriate filing officer. The statement shall include:

(a) The name, address, occupation, office sought and party affiliation of the candidate. The address shall be the address of a residence, office, headquarters or similar location where the candidate may be conveniently located. However, a different address may be used if the candidate first files with the filing officer the candidate's residence address and the address proposed to be used;

(b) A statement of how the candidate or principal campaign committee intends to solicit funds; and

(c) In the case of a principal campaign committee:

(A) The name and address of the committee. The address shall be the address of a residence, office, headquarters or similar location where the political committee or a responsible officer of the political committee may be conveniently located. However, a different address may be used if the officer first files with the filing officer the officer's residence address and the address proposed to be used.

(B) The name, address and occupation of the committee director or directors.

(C) The name and address of the committee treasurer.

(D) The name and address of any other political committee of which two or more committee directors are also directors of the committee filing the statement.

(E) A statement of whether the committee presently intends to remain in existence for more than one year.

(2) No contribution shall be received or expenditure made by or on behalf of the candidate until the candidate designates the candidate as the treasurer and files the statement described in subsection (1) of this section. No contribution shall be received or expenditure made by a principal campaign committee until the treasurer of the commit-

tee files the statement described in subsection (1) of this section.

(3) Any change in information submitted in a statement of organization provided in subsection (1) of this section shall be indicated in an amended statement of organization filed not later than the 10th day after the change in information.

(4) A candidate shall file a statement of organization under this section not later than the deadline for the candidate to file a nominating petition or declaration of candidacy under ORS 249.037 or a certificate of nomination under ORS 249.722.

(5) A candidate for state office who serves as the candidate's own treasurer shall file a new or amended statement of organization not later than the date that the candidate files a nominating petition, declaration of candidacy or certificate of nomination. [1987 c.727 §12; 1989 c.503 §18; 1991 c.107 §16; 1991 c.719 §53]

260.040 [Amended by 1957 c.643 §4; repealed by 1971 c.740 §82]

260.041 Principal campaign committee.

(1) A candidate may designate one political committee as the candidate's principal campaign committee.

(2) A political committee may not be designated as the principal campaign committee of more than one candidate. [1979 c.190 §343]

260.042 Statement of organization of political committee other than principal campaign committee; filing amended statement. (1) Before a political committee, other than a principal campaign committee, receives a contribution or makes an expenditure, the treasurer of the committee supporting or opposing one or more candidates for public office, other than candidates for federal or political party office, or one or more measures at an election shall file a statement of organization. A copy of the statement of organization shall be filed with each appropriate filing officer. The statement shall include:

(a) The name, address and nature of the committee. The address shall be the address of a residence, office, headquarters or similar location where the political committee or a responsible officer of the political committee may be conveniently located. However, a different address may be used if the officer first files with the filing officer the officer's residence address and the address proposed to be used.

(b) The name, address and occupation of the committee director or directors.

(c) The name and address of the committee treasurer.

(d) The name and address of any other political committee of which two or more committee directors are also directors of the committee filing the statement.

(e) A statement of whether the committee presently intends to remain in existence for more than one year.

(f) The name, office sought, and party affiliation of each candidate whom the committee is supporting or specifically opposing or intends to support or specifically oppose, when known, or, if the committee is supporting or specifically opposing all the candidates of a given party, the name of that party.

(g) A designation of any measure which the committee is opposing or supporting, or intends to support or oppose.

(h) A statement of how the committee intends to solicit funds.

(2) Any change in information submitted in a statement of organization provided in subsection (1) of this section shall be indicated in an amended statement of organization filed not later than the 10th day after the change in information. [1975 c.683 §2, 3; 1979 c.190 §344; 1981 c.234 §1; 1983 c.71 §10; 1985 c.808 §53]

260.044 When individual considered political committee. (1) A person who during the total period described in ORS 260.063 (1) or 260.073 (1) makes expenditures or makes a loan in a total amount of more than \$100 in support of or in opposition to a candidate for statewide office or a statewide measure, or more than \$50 in support of or in opposition to a candidate for other than statewide office, a measure other than a statewide measure or a political committee, shall be a political committee, and shall file the statements required by ORS 260.063 or 260.073. For the purpose of this section, an expenditure shall not include a contribution to a candidate or political committee that reports the contribution on a statement filed under ORS 260.063, 260.073 or 260.102, or a certificate filed under ORS 260.112.

(2) A person shall be a political committee if the person, in preparing to become a candidate in the general election, receives a contribution, receives a loan, whether repaid or not, or makes an expenditure in a total amount of more than \$500 before the date of the primary election. A person described in this subsection shall file the statements required by ORS 260.063 as if the person were a candidate in the primary election. This subsection does not apply to a candidate in the primary or nominating election. [Formerly 260.158; 1981 c.234 §8; 1981 c.303 §1; 1985 c.808 §54; 1987 c.727 §2]

Note: The amendments to 260.044 by section 57, 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.

260.044. (1) A person who during the total period described in ORS 260.063 (1) or 260.073 (1) makes expenditures or makes a loan in a total amount of more than \$100 in support of or in opposition to a candidate for statewide office or a statewide measure, or more than \$50 in support of or in opposition to a candidate for other than statewide office, a measure other than a statewide measure or a political committee, shall be a political committee, and shall file the statements required by ORS 260.063 or 260.073. For the purpose of this section, an expenditure shall not include a contribution to a candidate or political committee that reports the contribution on a statement filed under ORS 260.063, 260.073 or 260.102, or a certificate filed under ORS 260.112.

(2) A person shall be a political committee if the person, in preparing to become a candidate in the general election, receives a contribution, receives a loan, whether repaid or not, or makes an expenditure in a total amount of more than \$500 before the date of the presidential or biennial primary election. A person described in this subsection shall file the statements required by ORS 260.063 as if the person were a candidate in the presidential or biennial primary election. This subsection does not apply to a candidate in the presidential or biennial primary or nominating election.

260.045 Contributions by out-of-state political committees. A candidate or treasurer shall not accept a contribution of more than \$50 from a political committee not in this state unless:

(1) The contribution is accompanied by a written statement of the name, occupation and address of each person, or the name, address and primary nature of each political committee, who contributed more than \$100 of the contribution to a candidate for statewide office or regarding a statewide measure, or \$50 of the contribution to a candidate for other than statewide office or regarding a measure other than a statewide measure and certified as true by an officer of the contributing political committee. As used in this subsection, "address" includes street number and name, rural route number or post-office box, and city and state; or

(2) The candidate or treasurer files with the filing officer, at the same time the statement is filed regarding the contribution, an affidavit that to the best of the candidate's or treasurer's knowledge and belief the contributing political committee will not make contributions to candidates and treasurers in this state that exceed two-thirds, in total amount, of all contributions made by it in this state and elsewhere during the period described in ORS 260.058 (1), 260.063 (1), 260.068 (1) or 260.073 (1) for which the statement is filed. [1971 c.749 §4; 1973 c.744 §5; 1975 c.675 §32; 1979 c.190 §346; 1981 c.234 §9; 1991 c.258 §2; 1991 c.719 §13]

260.049 Reports to be filed by certain corporations. (1) If the major source of revenue of a corporation is paid-in-capital and the primary purpose of the corporation is to

support or oppose any candidate, measure or political party, and the corporation has made a contribution or an expenditure for that purpose, the corporation shall report to the Secretary of State the names, addresses and occupations of its shareholders and shall report the amount of paid-in-capital attributable to each shareholder.

(2) The information required under subsection (1) of this section, including information on the nature and amount of all expenditures of money and in-kind contributions made by the corporation, shall be filed on the same dates and for the same reporting periods described in ORS 260.063 and 260.073.

(3) The Secretary shall adopt by rule a form for the filing of the information required under this section. [1991 c.911 §3]

Note: 260.049 was added to and made a part of ORS chapter 260 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

260.050 [Amended by 1957 c.643 §5; repealed by 1971 c.749 §2]

260.052 Political committee identification number. The Secretary of State shall assign an identification number to each political committee for which the Secretary of State is the filing officer. The political committee shall include the identification number with each contribution made by the political committee. [1991 c.719 §64]

Note: 260.052 was added to and made a part of 260.005 to 260.255 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

260.055 Accounts of contributions and expenditures; inspection; preservation of accounts. (1) Each candidate, other than a candidate for political party office, and the treasurer of each political committee shall keep detailed accounts. The accounts shall be current as of not later than the seventh day after the date of receiving a contribution or making an expenditure, of all contributions received and all expenditures made by or on behalf of the candidate or political committee that are required to be reported under ORS 260.058, 260.063, 260.068, 260.073 or 260.078. Subject to ORS 260.085, the accounts shall list all information required to be reported under ORS 260.083.

(2) Accounts kept by a candidate or the treasurer of a political committee may be inspected under reasonable circumstances at any time before the election to which the accounts refer or during the period specified for retention of the accounts under subsection (3) of this section by any opposing candidate or the treasurer of any political committee for the same electoral contest. The right of inspection may be enforced by writ of mandamus issued by any court of

competent jurisdiction. The treasurers of political committees supporting a candidate may be joined with the candidate as defendants in a mandamus proceeding.

(3) Accounts kept by a candidate or treasurer shall be preserved by the candidate or treasurer for at least six months after the date of the election to which the accounts refer or at least six months after the date the last supplemental statement is filed under ORS 260.058 (2), 260.063 (2), 260.068 (3) or 260.073 (3), whichever is later. (1971 c.749 §5; 1973 c.744 §6; 1977 c.268 §2; 1979 c.190 §347; 1981 c.234 §10; 1991 c.719 §14; 1991 c.911 §9)

(Statements of Contributions and Expenditures)

260.058 Statements of candidates and principal campaign committees for election other than general election; supplement to second preelection statement; supplemental statements of unexpended balances and deficits; times for filing. (1) Except as otherwise provided in ORS 260.112 and subsection (3) of this section, each candidate seeking nomination or election at the primary election or at any election other than the general election, or a candidate's principal campaign committee at the primary election or at any election other than the general election, shall file the following with the filing officer:

(a) A first preelection statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not sooner than the 39th day and not later than the 29th day before the date of the election. The accounting period for the statement required by this paragraph begins on the date that the name of a treasurer is certified to the filing officer under ORS 260.035 or 260.037 unless a candidate or a candidate's principal campaign committee has filed a post-election or supplemental statement of contributions and expenditures for a previous election showing an unexpended balance of contributions or an expenditure deficit. If such a post-election or supplemental statement is filed, the accounting period begins on the day following the last day of the accounting period for the statement filed for the previous election. If a candidate or a candidate's principal campaign committee has filed a post-election or supplemental statement of contributions and expenditures for a previous election showing no balance or no deficit, the accounting period begins on the day that the candidate or the candidate's principal campaign committee next receives a contribution or makes an expenditure. If the statement for a previous election shows an unexpended balance of

contributions or an expenditure deficit, the beginning balance on the statement required by this paragraph shall be the amount of the unexpended balance of contributions or expenditure deficit. The accounting period for the statement required by this paragraph ends on the 40th day before the date of the election.

(b) A second preelection statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not sooner than the eighth day and not later than the fifth day before the date of the election. The accounting period for this statement begins on the 39th day before the date of the election and ends on the ninth day before the date of the election.

(c) A supplement to the second preelection statement on the day before the election, showing contributions, including loans, whether repaid or not, received by or on behalf of the candidate or committee after the ninth day and before the day preceding the day of the election. A supplement shall be filed if contributions received from a political committee or other person during the period described in this paragraph exceed \$500. The supplement must be written but may be transmitted to the filing officer by any expeditious means available. A candidate or treasurer of the candidate's principal campaign committee who filed a certificate under ORS 260.112 shall file a supplement under this paragraph if the aggregate contributions exceed \$500 because of contributions received after the ninth day and before the day preceding the day of the election.

(d) A post-election statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not sooner than the 21st day and not later than the 30th day after the date of the election. The accounting period for the statement required by this paragraph begins on the eighth day before the date of the election and ends on the 20th day after the date of the election.

(2) A candidate or a candidate's principal campaign committee shall file a supplemental statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, if the post-election statement required by paragraph (d) of subsection (1) of this section shows an unexpended balance of contributions or an expenditure deficit. A supplemental statement shall be filed annually on September 10, until a statement is filed containing no balance or no deficit. The accounting period for the statement required by this subsection begins on the day follow-

ing the last day of the accounting period for the previous statement filed and ends on September 1.

(3) A candidate for federal office shall file statements required by the federal election laws in lieu of the statements required by ORS 260.035 to 260.156. The statements required by federal election laws shall be filed in the office of the Secretary of State on or before the federal filing dates. At any time the Secretary of State by rule may make a determination that the standards and requirements of the federal election laws relating to candidates for federal office are not substantially similar to those contained in ORS 260.035 to 260.156. If the Secretary of State makes this determination, candidates for federal office are subject to the requirements of ORS 260.035 to 260.156.

(4) Each statement and the supplement required by this section shall be signed and certified as true by the candidate or treasurer required to file it. [1981 c. 234 §3 (enacted in lieu of 260.072); 1983 c.71 §1; 1985 c.732 §1; 1987 c.727 §3; 1989 c.503 §§19, 20; 1989 c.1054 §1]

Note: Sections 2 and 10, chapter 1054, Oregon Laws 1989, provide:

Sec. 2. ORS 260.058 also applies to a presidential primary election. [1989 c.1054 §2]

Sec. 10. Sections 2 and 4 of this Act are added to and made a part of chapter 267, Oregon Laws 1987. [1989 c.1054 §10]

260.060 [Amended by 1957 c.643 §6; 1969 c.279 §1; repealed by 1971 c.749 §82]

260.062 [1971 c.749 §6; 1973 c.744 §7; repealed by 1979 c.190 §431]

260.063 Statements of political committees, other than principal campaign committees, for election other than general election; supplement to second pre-election statement; supplemental statements of unexpended balances and deficits; times for filing. (1) Except as otherwise provided in ORS 260.112, each political committee, other than a candidate's principal campaign committee, supporting or opposing one or more candidates or measures at the primary election or any election other than the general election shall file the following with each appropriate filing officer:

(a) A first pre-election statement of contributions received and expenditures made by or on behalf of the political committee, not sooner than the 39th day and not later than the 29th day before the date of the election. The accounting period for this statement required by this paragraph begins on the date that the name of a treasurer is certified to the filing officer under ORS 260.035 unless a political committee has filed a post-election or supplemental statement of contributions and expenditures showing an unexpended balance of contributions or an expenditure deficit for a previous election. If such a

post-election or supplemental statement is filed, the accounting period begins on the day following the last day of the accounting period for the statement filed for the previous election. If a political committee has filed a post-election or supplemental statement of contributions and expenditures for a previous election showing no balance or no deficit, the accounting period begins on the day that the political committee next receives a contribution or makes an expenditure. If the statement for a previous election shows an unexpended balance of contributions or an expenditure deficit, the beginning balance on the statement required by this paragraph shall be the amount of the unexpended balance of contributions or expenditure deficit. The accounting period for the statement required by this paragraph ends on the 40th day before the date of the election.

(b) A second pre-election statement of contributions received and expenditures made by or on behalf of the political committee, not sooner than the eighth day and not later than the fifth day before the date of the election. The accounting period for the statement required by this paragraph begins on the 39th day before the date of the election and ends on the ninth day before the date of the election.

(c) A supplement to the second pre-election statement, on the day before the election, showing contributions, including loans, whether repaid or not, received by or on behalf of the political committee after the ninth day and before the day preceding the day of the election. A supplement shall be filed if contributions received from a political committee or other person during the period described in this paragraph exceed \$500. The supplement must be written but may be transmitted to the filing officer by any expeditious means available. A treasurer of a political committee who filed a certificate under ORS 260.112 shall file a supplement under this paragraph if the aggregate contributions exceed \$500 because of contributions received after the ninth day and before the day preceding the day of the election.

(d) A post-election statement of contributions received and expenditures made by or on behalf of the political committee, not sooner than the 21st day and not later than the 30th day after the date of the election. The accounting period for the statement required by this paragraph begins on the eighth day before the date of the election and ends on the 20th day after the date of the election.

(2) A political committee shall file a supplemental statement of contributions re-

ceived and expenditures made by or on behalf of the political committee, if the post-election statement required by paragraph (d) of subsection (1) of this section shows an unexpended balance of contributions or an expenditure deficit. A supplemental statement shall be filed annually on September 10, until a statement is filed containing no balance or no deficit. The accounting period for the statement required by this subsection begins on the day following the last day of the accounting period for the previous statement filed and ends on September 1.

(3) A political committee shall prepare one original copy of each statement and the supplement required by subsections (1) and (2) of this section and file a duplicate copy of the statement and supplement with the filing officer of each candidate or measure supported or opposed by the political committee. The statement, supplement and each duplicate copy shall be signed and certified as true by the treasurer required to file it. [1981 c.234 §4 (enacted in lieu of 260.072); 1983 c.71 §2; 1985 c.732 §2; 1987 c.727 §4; 1989 c.503 §§21, 22; 1989 c.1054 §3]

Note: Section 4, chapter 1054, Oregon Laws 1989, provides:

Sec. 4. ORS 260.063 also applies to a presidential primary election. [1989 c.1054 §4]

260.065 [1965 c.110 §2; repealed by 1971 c.749 §82]

260.067 [1965 c.289 §2 (260.067, 260.075 and 260.077 enacted in lieu of 260.070); 1969 c.243 §1; repealed by 1971 c.749 §82]

260.068 Statements of candidates and principal campaign committees for general election; supplement to second pre-election statement; supplemental statements for certain candidates; supplemental statements of unexpended balances and deficits; times for filing. (1) Except as otherwise provided in ORS 260.112 and subsection (4) of this section, each candidate seeking election at the general election or a candidate's principal campaign committee at the general election shall file the following with each appropriate filing officer:

(a) A first pre-election statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not sooner than the 39th day and not later than the 29th day before the date of the election. For a candidate nominated at the primary election or for that candidate's principal campaign committee, the accounting period for the statement required by this paragraph begins on the 21st day after the primary election. For a candidate not nominated at the primary election or for that candidate's principal campaign committee, the accounting period for the statement required by this

paragraph begins on the date that the name of a treasurer is certified to the filing officer under ORS 260.035 or 260.037 unless a candidate or a candidate's principal campaign committee has filed a post-election or supplemental statement of contributions and expenditures showing an unexpended balance of contributions or an expenditure deficit for a previous election other than the preceding primary election. If such a post-election or supplemental statement is filed, the accounting period begins on the day following the last day of the accounting period for the statement filed for that previous election. If a candidate or a candidate's principal campaign committee has filed a post-election or supplemental statement of contributions and expenditures for a previous election other than the preceding primary election showing no balance or no deficit, the accounting period begins on the day that the candidate or the candidate's principal campaign committee next receives a contribution or makes an expenditure. If the statement for a previous election shows an unexpended balance of contributions or an expenditure deficit, the beginning balance on the statement required by this paragraph shall be the amount of the unexpended balance of contributions or expenditure deficit. The accounting period for the statement required by this paragraph ends on the 40th day before the date of the election.

(b) A second pre-election statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not sooner than the eighth day and not later than the fifth day before the date of the election. The accounting period for the statement required by this paragraph begins on the 39th day before the date of the election and ends on the ninth day before the date of the election.

(c) A supplement to the second pre-election statement, on the day before the election, showing contributions, including loans, whether repaid or not, received by or on behalf of the candidate or committee after the ninth day and before the day preceding the day of the election. A supplement shall be filed if contributions received from a political committee or other person during the period described in this paragraph exceed \$500. The supplement must be written but may be transmitted to the filing officer by any expeditious means available. A candidate or treasurer of the candidate's principal campaign committee who filed a certificate under ORS 260.112 shall file a supplement under this paragraph if the aggregate contributions exceed \$500 because of contributions received after the ninth day and

before the day preceding the day of the election.

(d) A post-election statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not sooner than the 21st day and not later than the 30th day after the date of the election. The accounting period for the statement required by this paragraph begins on the eighth day before the date of the election and ends on the 20th day after the date of the election.

(2) A candidate for the office of Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, State Senator or State Representative, or a candidate's principal campaign committee shall file a supplement to the post-election statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee not sooner than the first business day in January and not later than the Friday before the second Monday in January. The supplement shall be filed if the aggregate contributions received from any political committee or other person exceed \$500 during the period beginning after the 20th day after the date of the election and ending on December 31st and shall disclose only those contributions received from any political committee or other person that exceed an aggregate of \$500 during the period beginning after the 20th day after the date of the election and ending on December 31st. The supplement shall be written but may be transmitted to the filing officer by any means available. A candidate described in this subsection or the treasurer of the candidate's principal campaign committee who filed a certificate under ORS 260.112 shall file a supplement under this subsection if the aggregate contributions exceed \$500 because of contributions received after the 20th day following the election and prior to January 1st of the following year.

(3) A candidate or a candidate's principal campaign committee shall file a supplemental statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, if the post-election statement required by paragraph (d) of subsection (1) of this section shows an unexpended balance of contributions or an expenditure deficit. A supplemental statement shall be filed annually on September 10, until a statement containing no balance or no deficit is filed. The accounting period for the statement required by this subsection begins on the day following the last day of the accounting period for

the previous statement filed and ends on September 1.

(4) A candidate for federal office shall file statements required by the federal election laws in lieu of the statements required by ORS 260.035 to 260.156. The statements required by federal election laws shall be filed in the office of the Secretary of State on or before the federal filing dates. At any time the Secretary of State by rule may make a determination that the standards and requirements of the federal election laws relating to candidates for federal office are not substantially similar to those contained in ORS 260.035 to 260.156. If the Secretary of State makes this determination, candidates for federal office are subject to the requirements of ORS 260.035 to 260.156.

(5) Each statement and the supplement required by this section shall be signed and certified as true by the candidate or treasurer required to file it. [1981 c.234 §5 (enacted in lieu of 260.072); 1983 c.71 §3; 1985 c.732 §3; 1987 c.727 §5; 1989 c.503 §23; 1989 c.1054 §5; 1991 c.911 §5]

Note: The amendments to 260.068 by section 60, chapter 267, Oregon Laws 1987, and section 24, chapter 503, Oregon Laws 1989, and section 6, chapter 1054, Oregon Laws 1989, and section 6, chapter 911, Oregon Laws 1991, are repealed January 1, 1994. See section 92, chapter 267, Oregon Laws 1987. The text that is operative until January 1, 1994, is set forth for the user's convenience.

260.068. (1) Except as otherwise provided in ORS 260.112 and subsection (4) of this section, each candidate seeking election at the general election or a candidate's principal campaign committee at the general election shall file the following with each appropriate filing officer:

(a) A first pre-election statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not sooner than the 39th day and not later than the 29th day before the date of the election. For a candidate nominated at the biennial primary election or for that candidate's principal campaign committee, the accounting period for the statement required by this paragraph begins on the 21st day after the biennial primary election. For a candidate who was a candidate at the presidential primary election or for that candidate's principal campaign committee, the accounting period for the statement required by this paragraph begins on the 21st day after the presidential primary election. For a candidate not nominated at the biennial primary election or who was not a candidate at the presidential primary election, or for that candidate's principal campaign committee, the accounting period for the statement required by this paragraph begins on the date the name of a treasurer is certified to the filing officer under ORS 260.035 or 260.037 unless a candidate or a candidate's principal campaign committee has filed a post-election or supplemental statement of contributions and expenditures showing an unexpended balance of contributions or an expenditure deficit for a previous election other than the preceding biennial primary election. If such a post-election or supplemental statement is filed, the accounting period begins on the day following the last day of the accounting period for the statement filed for that previous election. If a candidate or a candidate's principal campaign committee has filed a post-election or supplemental statement of contributions and expenditures for a previous election other than the preceding biennial primary election showing

no balance or no deficit, the accounting period begins on the day that the candidate or the candidate's principal campaign committee next receives a contribution or makes an expenditure. If the statement for a previous election shows an unexpended balance of contributions or an expenditure deficit, the beginning balance on the statement required by this paragraph shall be the amount of the unexpended balance of contributions or expenditure deficit. The accounting period for the statement required by this paragraph ends on the 40th day before the date of the election.

(b) A second preelection statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not sooner than the eighth day and not later than the fifth day before the date of the election. The accounting period for the statement required by this paragraph begins on the 30th day before the date of the election and ends on the ninth day before the date of the election.

(c) A supplement to the second preelection statement, on the day before the election, showing contributions, including loans, whether repaid or not, received by or on behalf of the candidate or committee after the ninth day and before the day preceding the day of the election. A supplement shall be filed if contributions received from a political committee or other person during the period described in this paragraph exceed \$500. The supplement must be written but may be transmitted to the filing officer by any expeditious means available. A candidate or treasurer of the candidate's principal campaign committee who filed a certificate under ORS 260.112 shall file a supplement under this paragraph if the aggregate contributions exceed \$500 because of contributions received after the ninth day and before the day preceding the day of the election.

(d) A post-election statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not sooner than the 21st day and not later than the 30th day after the date of the election. The accounting period for the statement required by this paragraph begins on the eighth day before the date of the election and ends on the 20th day after the date of the election.

(2) A candidate for the office of Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, State Senator or State Representative, or a candidate's principal campaign committee shall file a supplement to the post-election statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee not sooner than the first business day in January and not later than the Friday before the second Monday in January. The supplement shall be filed if the aggregate contributions received from any political committee or other person exceed \$500 during the period beginning after the 20th day after the date of the election and ending on December 31st and shall disclose only those contributions received from any political committee or other person that exceed an aggregate of \$500 during the period beginning after the 20th day after the date of the election and ending on December 31st. The supplement shall be written but may be transmitted to the filing officer by any means available. A candidate described in this subsection or the treasurer of the candidate's principal campaign committee who filed a certificate under ORS 260.112 shall file a supplement under this subsection if the aggregate contributions exceed \$500 because of contributions received after the 20th day following the election and prior to January 1st of the following year.

(3) A candidate or a candidate's principal campaign committee shall file a supplemental statement of contributions received and expenditures made by or on be-

half of the candidate or the candidate's principal campaign committee, if the post-election statement required by paragraph (d) of subsection (1) of this section shows an unexpended balance of contributions or an expenditure deficit. A supplemental statement shall be filed annually on September 10, until a statement containing no balance or no deficit is filed. The accounting period for the statement required by this subsection begins on the day following the last day of the accounting period for the previous statement filed and ends on September 1.

(4) A candidate for federal office shall file statements required by the federal election laws in lieu of the statements required by ORS 260.035 to 260.156. The statements required by federal election laws shall be filed in the office of the Secretary of State on or before the federal filing dates. At any time the Secretary of State by rule may make a determination that the standards and requirements of the federal election laws relating to candidates for federal office are not substantially similar to those contained in ORS 260.035 to 260.156. If the Secretary of State makes this determination, candidates for federal office are subject to the requirements of ORS 260.035 to 260.156.

(5) Each statement and the supplement required by this section shall be signed and certified as true by the candidate or treasurer required to file it.

260.070 [Amended by 1961 c.75 §1; repealed by 1965 c.289 §1 (260.067, 260.075 and 260.077 enacted in lieu of 260.070)]

260.072 [1971 c.749 §7; 1973 c.744 §8; 1975 c.683 §7; 1977 c.678 §2; 1979 c.130 §348; repealed by 1981 c.234 §2 (260.058, 260.063, 260.068, 260.073 and 260.078 enacted in lieu of 260.072)]

260.073 Statements of political committees, other than principal campaign committees, for general election; supplement to second preelection statement; supplemental statement for certain political committees; supplemental statements of unexpended balances and deficits; times for filing. (1) Except as otherwise provided in ORS 260.112, each political committee, other than a candidate's principal campaign committee, supporting or opposing one or more candidates or measures at the general election shall file the following with each appropriate filing officer:

(a) A first preelection statement of contributions received and expenditures made by or on behalf of the political committee, not sooner than the 39th day and not later than the 29th day before the date of the election. For a political committee that supported or opposed one or more candidates or measures at the primary election, the accounting period for the statement required by this paragraph begins on the 21st day after the primary election. Otherwise, the accounting period for the statement begins on the date that the name of a treasurer is certified to the filing officer under ORS 260.035 unless a political committee has filed a post-election or supplemental statement of contributions and expenditures showing an unexpended balance of contributions or an expenditure deficit for a previous election. If such a post-election or supplemental statement is

filed, the accounting period begins on the day following the last day of the accounting period for the statement filed for the previous election. If a political committee has filed a post-election or supplemental statement of contributions and expenditures for a previous election showing no balance or no deficit, the accounting period begins on the day that political committee next receives a contribution or makes an expenditure. If the statement for a previous election shows an unexpended balance of contributions or an expenditure deficit, the beginning balance on the statement required by this paragraph shall be the amount of the unexpended balance of contributions or expenditure deficit. The accounting period for the statement required by this paragraph ends on the 40th day before the date of the election.

(b) A second preelection statement of contributions received and expenditures made by or on behalf of the political committee, not sooner than the eighth day and not later than the fifth day before the date of the election. The accounting period for the statement required by this paragraph begins on the 39th day before the date of the election and ends on the ninth day before the date of the election.

(c) A supplement to the second pre-election statement, on the day before the election, showing contributions, including loans, whether repaid or not, received by or on behalf of the political committee after the ninth day and before the day preceding the day of the election. A supplement shall be filed if contributions received from a political committee or other person during the period described in this paragraph exceed \$500. The supplement must be written but may be transmitted to the filing officer by any expeditious means available. A treasurer of a political committee who filed a certificate under ORS 260.112 shall file a supplement under this paragraph if the aggregate contributions exceed \$500 because of contributions received after the ninth day and before the day preceding the day of the election.

(d) A post-election statement of contributions received and expenditures made by or on behalf of the political committee, not sooner than the 21st day and not later than the 30th day after the date of the election. The accounting period for a statement required by this paragraph begins on the eighth day before the date of the election and ends on the 20th day after the date of the election.

(2) A political committee affiliated with a political party, a caucus of either house of the Legislative Assembly, a legislative official or a statewide official as defined in ORS

244.020, the Governor, Governor-elect or candidate for Governor shall file a supplement to the post-election statement of contributions received and expenditures made by or on behalf of the political committee not sooner than the first business day in January and not later than the Friday before the second Monday in January. The supplement shall be filed if the aggregate contributions received from any political committee or other person exceed \$500 during the period beginning after the 20th day after the date of the election and ending on December 31st and shall disclose only those contributions received from any political committee or other person that exceed an aggregate of \$500 during the period beginning after the 20th day after the date of the election and ending on December 31st. The supplement shall be written but may be transmitted to the filing officer by any means available. A treasurer of a political committee described in this subsection who filed a certificate under ORS 260.112 shall file a supplement under this subsection if the aggregate contributions exceed \$500 because of contributions received after the 20th day following the election and prior to January 1st of the following year.

(3) A political committee shall file a supplemental statement of contributions received and expenditures made by or on behalf of the political committee, if the post-election statement required by paragraph (d) of subsection (1) of this section shows an unexpended balance of contributions or an expenditure deficit. A supplemental statement shall be filed annually on September 10, until a statement is filed containing no balance or no deficit. The accounting period for a statement required under this subsection begins on the day following the last day of the accounting period for the previous statement filed and ends on September 1.

(4) A political committee shall prepare one original copy of each statement and the supplement required by subsections (1) to (3) of this section and file a duplicate copy of the statement and supplement with the filing officer of each candidate or measure supported or opposed by the political committee. The statement, supplement and each duplicate copy shall be signed and certified as true by the treasurer required to file it. [1981 c.234 §6 (enacted in lieu of 260.072); 1983 c.71 §4; 1985 c.732 §4; 1985 c.808 §55; 1987 c.727 §6; 1989 c.503 §25; 1989 c.1054 §7; 1991 c.911 §7]

Note: The amendments to 260.073 by section 61, chapter 267, Oregon Laws 1987, and section 26, chapter 503, Oregon Laws 1989, and section 8, chapter 1054, Oregon Laws 1989, and section 8, chapter 911, Oregon Laws 1991, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text that is operative until January 1, 1994, is set forth for the user's convenience.

260.073. (1) Except as otherwise provided in ORS 260.112, each political committee, other than a candidate's principal campaign committee, supporting or opposing one or more candidates or measures at the general election shall file the following with each appropriate filing officer:

(a) A first preelection statement of contributions received and expenditures made by or on behalf of the political committee, not sooner than the 39th day and not later than the 29th day before the date of the election. For a political committee that supported or opposed one or more candidates or measures at the presidential or biennial primary election, the accounting period for the statement required by this paragraph begins on the 21st day after the primary election at which the political committee supported or opposed one or more candidates or measures. Otherwise, the accounting period for the statement begins on the date that the name of a treasurer is certified to the filing officer under ORS 260.035 unless a political committee has filed a post-election or supplemental statement of contributions and expenditures showing an unexpended balance of contributions or an expenditure deficit for a previous election. If such a post-election or supplemental statement is filed, the accounting period begins on the day following the last day of the accounting period for the statement filed for the previous election. If a political committee has filed a post-election or supplemental statement of contributions and expenditures for a previous election showing no balance or no deficit, the accounting period begins on the day that the political committee next receives a contribution or makes an expenditure. If the statement for a previous election shows an unexpended balance of contributions or an expenditure deficit, the beginning balance on the statement required by this paragraph shall be the amount of the unexpended balance of contributions or expenditure deficit. The accounting period for the statement required by this paragraph ends on the 40th day before the date of the election.

(b) A second preelection statement of contributions received and expenditures made by or on behalf of the political committee, not sooner than the eighth day and not later than the fifth day before the date of the election. The accounting period for the statement required by this paragraph begins on the 39th day before the date of the election and ends on the ninth day before the date of the election.

(c) A supplement to the second preelection statement, on the day before the election, showing contributions, including loans, whether repaid or not, received by or on behalf of the political committee after the ninth day and before the day preceding the day of the election. A supplement shall be filed if contributions received from a political committee or other person during the period described in this paragraph exceed \$500. The supplement must be written but may be transmitted to the filing officer by any expeditious means available. A treasurer of a political committee who filed a certificate under ORS 260.112 shall file a supplement under this paragraph if the aggregate contributions exceed \$500 because of contributions received after the ninth day and before the day preceding the day of the election.

(d) A post-election statement of contributions received and expenditures made by or on behalf of the political committee, not sooner than the 21st day and not later than the 30th day after the date of the election. The accounting period for a statement required by this paragraph begins on the eighth day before the date of the election and ends on the 20th day after the date of the election.

(2) A political committee affiliated with a political party, a caucus of either house of the Legislative Assembly, a legislative official or a statewide official as defined in ORS 244.020, the Governor, Governor-elect or

candidate for Governor shall file a supplement to the post-election statement of contributions received and expenditures made by or on behalf of the political committee not sooner than the first business day in January and not later than the Friday before the second Monday in January. The supplement shall be filed if the aggregate contributions received from any political committee or other person exceed \$500 during the period beginning after the 20th day after the date of the election and ending on December 31st and shall disclose only those contributions received from any political committee or other person that exceed an aggregate of \$500 during the period beginning after the 20th day after the date of the election and ending on December 31st. The supplement shall be written but may be transmitted to the filing officer by any means available. A treasurer of a political committee described in this subsection who filed a certificate under ORS 260.112 shall file a supplement under this subsection if the aggregate contributions exceed \$500 because of contributions received after the 20th day following the election and prior to January 1st of the following year.

(3) A political committee shall file a supplemental statement of contributions received and expenditures made by or on behalf of the political committee, if the post-election statement required by paragraph (d) of subsection (1) of this section shows an unexpended balance of contributions or an expenditure deficit. A supplemental statement shall be filed annually on September 10, until a statement is filed containing no balance or no deficit. The accounting period for a statement required under this subsection begins on the day following the last day of the accounting period for the previous statement filed and ends on September 1.

(4) A political committee shall prepare one original copy of each statement and the supplement required by subsections (1) to (3) of this section and file a duplicate copy of the statement and supplement with the filing officer of each candidate or measure supported or opposed by the political committee. The statement, supplement and each duplicate copy shall be signed and certified as true by the treasurer required to file it.

260.075 [1965 c.289 §3 (260.067, 260.075 and 260.077 enacted in lieu of 260.070); 1967 c.469 §1; repealed by 1971 c.749 §82]

260.077 [1965 c.289 §4 (260.067, 260.075 and 260.077 enacted in lieu of 260.070); 1967 c.339 §3; repealed by 1971 c.749 §82]

260.078 Reporting of initial assets and contributions not previously reported. If a report filed by a candidate, a candidate's principal campaign committee or a political committee under ORS 260.058 (1)(a), 260.063 (1)(a), 260.068 (1)(a) or 260.073 (1)(a) shows any assets not previously reported on hand at the beginning of the first reporting period, the report shall list all contributions giving rise to the assets in accordance with ORS 260.083. [1981 c.234 §7 (enacted in lieu of 260.072)]

260.080 [Repealed by 1971 c.749 §82]

260.082 [1971 c.749 §8; repealed by 1973 c.744 §48]

260.083 Contents of statements. (1) A statement filed under ORS 260.058, 260.063, 260.068 or 260.073 shall list:

(a) Under contributions, all contributions received. Except as provided in ORS 260.085, the statement shall list the name, occupation and address of each person, and the name, address, identification number assigned under ORS 260.052 and primary nature of each

political committee, that contributed an aggregate amount of:

(A) More than \$100 on behalf of a candidate for statewide office, regarding a statewide measure or to a political committee supporting or opposing only such a candidate or measure, and the total amount contributed by that person or political committee.

(B) More than \$50 on behalf of a candidate for other than statewide office, regarding a measure other than a statewide measure or to a political committee supporting or opposing such a candidate or measure, and the total amount contributed by that person or political committee.

(C) More than \$50 to a political committee supporting or opposing both a candidate for statewide office or a statewide measure and a candidate for other than statewide office or a measure other than a statewide measure, and the total amount contributed by that person or political committee. The statement may list as a single item the total amount of other contributions, but shall specify how those contributions were obtained.

(b) Under expenditures, all expenditures made, showing the amount and purpose of each. Each expenditure in an amount of more than \$50 shall be vouched for by an invoice, receipt or canceled check or an accurate copy of the invoice, receipt or check.

(c) Separately, all contributions made by the candidate or political committee to any other candidate or political committee.

(d) All loans, whether repaid or not, made to the candidate or political committee. The statement shall list the name and address of each person shown as a cosigner or guarantor on a loan and the amount of the obligation undertaken by each cosigner or guarantor. The statement also shall list the name of the lender holding the loan.

(2) If an expenditure in an amount exceeding \$50 is a prepayment or a deposit made in consideration for any services, supplies, equipment or other thing of value to be performed or furnished at a future date, that portion of the deposit that has been expended during the reporting period shall be listed as an expenditure and the unexpended portion of the deposit shall be listed as an account receivable.

(3) Anything of value paid for or contributed by any person shall be listed as both a contribution and an expenditure by the candidate or committee for whose benefit the payment or contribution was made.

(4) Expenditures made by an agent of a political committee on behalf of the committee shall be reported in the same manner as

if the expenditures had been made by the committee itself.

(5) As used in this section "address" includes street number and name, rural route number or post-office box, and city and state. [Formerly 260.162; 1981 c.234 §11; 1985 c.732 §5; 1989 c.80 §4; 1989 c.503 §42; 1989 c.1054 §12; 1991 c.238 §1; 1991 c.719 §15]

260.085 Listing of occupation of contributor; procedure when occupation is unknown. (1) An account required by ORS 260.055 and a statement required by ORS 260.083 to list the occupation of a contributor shall list the occupation of the contributor in the account and on the first statement filed under ORS 260.058 to 260.073 after the contribution is received if the occupation is known to the candidate or political committee filing the statement.

(2) If an account required by ORS 260.055 or a statement required by ORS 260.083 to list the occupation of a contributor does not list the occupation of the contributor as required by ORS 260.055 or on the first statement filed under ORS 260.058 to 260.073 after the contribution is received, the candidate or political committee shall file with the account and the filing officer documentation of a written request to the contributor to furnish the contributor's occupation.

(3) If a candidate or political committee receives a contribution that does not identify the occupation of the contributor, the candidate or political committee shall make a written request to the contributor to furnish the occupation of the contributor within seven days after receiving the contribution.

(4) Documentation of a written request under subsection (3) of this section shall be filed with the account and the first statement under ORS 260.058 to 260.073 that is filed at least seven days after the contribution is received.

(5) If a candidate or political committee receives information identifying the occupation of a contributor after making a written request under subsection (3) of this section, the candidate or political committee shall include the contributor's occupation in the account kept under ORS 260.055 and the next statement filed under ORS 260.058 to 260.073.

(6) The filing officer shall be in compliance with law by accepting the information described in this section. [1989 c.80 §3; 1991 c.719 §16]

260.090 [Repealed by 1971 c.749 §82]

260.092 [1971 c.749 §9; 1973 c.744 §13; 1975 c.683 §8; 1977 c.836 §9; 1979 c.190 §350; repealed by 1981 c.234 §19]

260.100 [Repealed by 1957 c.643 §9]

260.102 Statements of persons reducing expenditure deficit. A person who receives or expends money or any other thing

of value, after the date of an election, for the purpose of reducing an expenditure deficit shown by a statement of contributions and expenditures filed by a candidate or treasurer, and who is not the candidate or treasurer and does not receive or expend the money or other thing of value through the candidate or treasurer, shall file with the filing officer a statement showing the source of all money or other things of value so received or expended. The statement shall list the name, occupation and address of each person, or the name, address and primary nature of each political committee, who contributed an aggregate amount of more than \$100 on behalf of a candidate for statewide office or regarding a statewide measure, or more than \$50 on behalf of a candidate for other than statewide office or regarding a measure other than a statewide measure. The statement may list as a single item the total amount of other contributions, but shall specify how those contributions were obtained. The statement shall be signed and certified as true by the person required to file it or by the person's authorized representative. As used in this section, "address" includes street number and name, rural route number or post-office box, and city and state. [1971 c.749 §10; 1973 c.744 §14; 1975 c.675 §33; 1979 c.190 §351; 1991 c.258 §3; 1991 c.719 §17]

260.105 [1957 c.643 §1; 1959 c.416 §1; 1963 c.175 §1; 1971 c.749 §28; renumbered 260.345]
260.110 [Amended by 1957 c.643 §7; repealed by 1971 c.749 §62]

260.112 Filing of certificate by candidate or political committee who expects neither contributions nor expenditures to exceed \$500; time for filing. (1) A candidate, other than a candidate for federal office, or a treasurer of a political committee who expects neither the aggregate contributions to be received nor the aggregate expenditures to be made by or on behalf of the candidate or political committee to exceed \$500 in total amount during the total period described in ORS 260.058 (1), 260.063 (1), 260.068 (1) or 260.073 (1) shall file a certificate to that effect. The candidate or treasurer shall make the certificate according to the best of the knowledge or belief of the candidate or treasurer. The certificate shall be filed:

(a) By a candidate, not sooner than the date on which the candidate files a declaration of candidacy or nominating petition, accepts a nomination or is nominated to fill a vacancy in a nomination or in a partisan elective office, and not later than the 29th day before the date of the election.

(b) By a treasurer of a political committee, not sooner than the date that the political committee files a statement of organization under ORS 260.042, and not

later than the 29th day before the date of the election.

(2) A candidate or political committee under this section must keep contribution and expenditure records during the applicable total period described in ORS 260.058, 260.063, 260.068 or 260.073.

(3) If at any time following the filing of a certificate under subsection (1) of this section and during the total period described in ORS 260.058 (1), 260.063 (1), 260.068 (1) and 260.073 (1) either the aggregate contributions or aggregate expenditures exceed \$500, the candidate, other than a candidate for federal office, or treasurer shall file a contribution and expenditure statement when a statement for the reporting period in which the contributions or expenditures exceeded \$500 is filed. The filed statement shall reflect all contributions received and expenditures made by or on behalf of the candidate or political committee to that date, beginning with the start of the first reporting period in ORS 260.058 (1), 260.063 (1), 260.068 (1) and 260.073 (1). [1971 c.749 §11; 1975 c.683 §9; 1977 c.644 §5; 1979 c.190 §352; 1981 c.234 §12; 1985 c.408 §56; 1987 c.727 §7; 1989 c.503 §27; 1991 c.87 §5]

260.118 Chief petitioner of initiative, referendum or recall petition to file information statement; contributions and expenditures. (1) Not later than the 15th day after the last day for filing a petition to initiate or refer a statewide measure or a recall petition with the filing officer for verification of signatures, the chief petitioners of the initiative or referendum petition or the chief petitioner of the recall petition, whether or not the petition was completed or filed, shall file with the filing officer a statement described in this section.

(2) Not later than the 15th day after the date an initiative or referendum petition for other than a statewide measure is filed with the filing officer for verification of signatures, the chief petitioners of the initiative or referendum petition shall file with the filing officer a statement described in this section.

(3) A statement filed under this section shall include the following information:

(a) The name and address of the chief petitioner.

(b) A designation of the measure proposed to be initiated or referred or the officer whose recall is demanded.

(c) A statement conforming to ORS 260.083 of contributions received and expenditures made by or on behalf of the chief petitioners to the date on which the statement is filed. If the statement is filed by a chief petitioner of a recall petition, the statement need only report the contributions

received and the expenditures made by or on behalf of the chief petitioner and political committee the chief petitioner represents, if any, after the date on which the statement of contributions and expenditures required under ORS 249.865 is filed. [1983 c.71 §6; 1985 c.808 §57; 1987 c.210 §2; 1987 c.727 §8; 1991 c.719 §54]

260.120 [Amended by 1957 c.643 §8; 1961 c.67 §1; repealed by 1971 c.749 §82]

260.122 [1971 c.740 §12; 1973 c.744 §15; repealed by 1977 c.644 §7]

260.130 [1967 c.339 §2; repealed by 1971 c.749 §82]

260.132 [1971 c.749 §13; repealed by 1975 c.683 §15]

260.142 [1971 c.749 §14; repealed by 1973 c.744 §48]

260.150 [1975 c.684 §5; 1979 c.190 §353; repealed by 1987 c.727 §15]

260.152 [1971 c.749 §15; repealed by 1973 c.744 §48]

260.153 [1979 c.190 §354; repealed by 1987 c.727 §15]

260.154 [1973 c.744 §10; repealed by 1975 c.684 §11]

260.156 Rules regarding evaluation of expenditures and contributions. (1) The Secretary of State may adopt rules for the manner of determining and reporting expenditures and contributions under this chapter, including but not limited to rules for allocation of contributions and expenditures and for determination of fair market value of contributions other than money.

(2) The valuation or allocation of any contribution or expenditure under a rule adopted by the Secretary of State before the contribution or expenditure was made or, if it is a continuing contribution or expenditure, the valuation or allocation of that part available to and used on behalf of the candidate after the adoption of the rule, shall be presumed to be the fair market value or allocation of it. [1973 c.744 §11; 1975 c.683 §10; 1975 c.684 §7a; 1979 c.190 §355]

260.158 [1973 c.744 §12; 1975 c.683 §10a; 1979 c.190 §345; renumbered 260.044]

260.162 [1971 c.749 §16; 1973 c.744 §16; 1975 c.675 §34a; 1975 c.683 §11; 1979 c.190 §349; renumbered 260.083]

(Political Contribution Checkoff)

260.165 Payment of moneys by Department of Revenue to political party; distribution of moneys by political party; eligibility of political party to receive moneys. (1)(a) Not less than once each year ending June 30, moneys designated for a major or minor political party by individual taxpayers under ORS 316.487, less the amount appropriated for administrative costs as provided in paragraph (b) of this subsection, shall be paid to the treasurer of the political party by the Department of Revenue. The Department of Revenue shall determine the procedure for payment by administrative rule.

(b) Of the moneys designated for a major or minor political party under ORS 316.487,

not more than three percent per fiscal year ending June 30 are continuously appropriated for use in reimbursing the General Fund for costs of administering the checkoff program established under ORS 316.487.

(2) Of the moneys paid to the treasurer of a major political party under subsection (1) of this section:

(a) The treasurer shall distribute not less than 50 percent of the moneys to the treasurers of the county central committees of the party; and

(b) Not less than 50 percent of the moneys remaining after the distribution to the county central committees under this subsection shall be paid to candidates of the major political party.

(3) Not less than 50 percent of the moneys paid to the treasurer of a minor political party under subsection (1) of this section shall be distributed to candidates of the minor political party.

(4) Of the moneys distributed to the county central committees of a major political party under subsection (2) of this section, not less than 50 percent of the moneys received by each county central committee shall be distributed to candidates of the major political party.

(5) The state central committee of a major political party shall adopt bylaws establishing a formula for the distribution of moneys to the treasurers of the county central committees under subsection (2) of this section.

(6) A major political party, as defined in ORS 248.006, shall be eligible to receive moneys under this section only if the state central committee of the major political party is organized in compliance with ORS 248.075. The Department of Revenue shall not distribute moneys under this section to a major political party if the department receives notice from the Secretary of State under ORS 248.095. [1987 c.902 §9; 1989 c.986 §2; 1989 c.987 §30]

260.170 Contribution and expenditure reporting; limits on distribution of moneys by political party. (1) A payment to a political party under ORS 260.165 shall be considered a contribution to that party and shall be maintained by the treasurer of the party in an account separate from all other assets of the party.

(2) For the purpose of reporting under ORS 260.058 to 260.156, a separate accounting shall be made of all expenditures of moneys received by treasurers of the political parties from the Department of Revenue.

(3) The accounting and reporting provisions of this section are applicable to the treasurers of county central committees with respect to moneys received by them pursuant to ORS 260.165.

(4) Any moneys paid to the treasurers of the political parties under ORS 260.165 and moneys distributed to county central committees of major political parties under ORS 260.165 may be paid to candidates by the treasurer of a political party or by a county central committee only during the period following the primary election and before the general election. [1987 c.902 §10]

260.175 Prohibited uses of moneys paid to political party. Moneys paid to the treasurers of the political parties under ORS 260.165 and moneys distributed to county central committees under ORS 260.165 shall not be used for any of the following purposes:

(1) To support or oppose any candidate for the nomination of a political party.

(2) To reduce a candidate's deficit remaining after the date of the general election.

(3) To support or oppose any ballot measure. [1987 c.902 §11]

(Administration and Enforcement)

260.200 Secretary of State to prescribe system of accounts and forms; furnishing forms. The Secretary of State shall:

(1) Prescribe a uniform system for accounts required by ORS 260.055.

(2) Prescribe forms for statements and other information required by ORS 260.035, 260.058 to 260.083, 260.102, 260.112 and 260.118 to be filed with filing officers, and furnish those forms to persons required to file those statements and other information. [1971 c.749 §17; 1979 c.190 §356; 1985 c.808 §58]

260.205 Inspection of statements; notice of failure to file correct statements.

(1) Except as provided in this subsection, a filing officer shall inspect each statement filed under ORS 260.058 to 260.156 not later than the 10th business day after the filing deadline. The statement required under ORS 260.068 (1)(d) and 260.073 (1)(d) shall be inspected not later than the 30th business day after the filing deadline.

(2) A filing officer immediately shall notify a person required to file a statement with the filing officer under ORS 260.058 to 260.156 if:

(a) Upon examination of relevant materials, it appears to the filing officer that the person has failed to file a required statement or that a statement filed with the filing officer by the person is insufficient; or

(b) A complaint is filed with the filing officer under subsection (3) of this section.

(3) An elector may file with a filing officer a complaint that a statement filed with the filing officer is insufficient or that a person has failed to file a required statement. The complaint shall be in writing, shall state in detail the reasons for complaint, shall be sworn to by the complainant before a judge, justice of the peace, county clerk or notary public and shall be filed with the filing officer not later than the 90th day after the date the statement of which it complains is filed or should have been filed. [1971 c.749 §18; 1979 c.190 §357; 1981 c.142 §6; 1985 c.808 §59; 1991 c.719 §18]

260.210 [Amended by 1971 c.749 §36; renumbered 260.402]

260.215 Examination and investigation of statements by filing officers. (1) Not later than the third month after the date of a primary or general election each filing officer shall examine each statement relating to the election filed with the officer under ORS 260.058 to 260.156, other than a statement filed under ORS 260.118, to determine whether the statement is sufficient. The filing officer may require any person to answer in writing and upon oath or affirmation before a judge, justice of the peace, county clerk or notary public any question within the knowledge of that person concerning the source of any contribution. The inquiry shall advise the person concerned of the penalty for failure to answer.

(2) Subsection (1) of this section applies in regard to a statement filed under ORS 260.118, except that the filing officer shall examine such a statement not later than the third month after the date the statement is filed. [1971 c.749 §19; 1973 c.744 §19; 1979 c.190 §358; 1981 c.142 §7; 1983 c.71 §7]

260.218 Subpoena authority. (1) The Secretary of State may issue subpoenas to compel the production of records, documents, books, papers, memoranda or other information necessary to determine the sufficiency of statements filed under ORS 260.058 to 260.156.

(2) If a person fails to comply with any subpoena issued under subsection (1) of this section, a judge of the circuit court of any county, on application of the Secretary of State shall compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the circuit court. [1987 c.727 §13]

Note: 260.218 was added to and made a part of ORS chapter 260 but was not added to any smaller series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

260.220 [Repealed by 1971 c.749 §82]

260.225 Court proceedings to compel filing of correct statements; attorney

fees. (1) Upon the petition of the Secretary of State or an elector, or of any other filing officer with whom a report is required to be filed, the circuit court for the county in which the principal office of the filing officer is located may compel a candidate, treasurer or person who fails to file a statement required to be filed with the filing officer under ORS 260.058 to 260.156, or who files with the filing officer an insufficient statement, to file with the filing officer a proper statement. The petition shall be filed with the circuit court not later than the 90th day after the date the statement is filed or should have been filed.

(2) If the court determines that a petition filed under this section is frivolous or the court does not compel the filing of any statement, the candidate, treasurer or person against whom the petition was filed is entitled to recover reasonable attorney fees at trial and on appeal. [1971 c.749 §20; 1973 c.744 §20; 1979 c.190 §350; 1985 c.808 §60; 1989 c.571 §1]

260.227 [1973 c.744 §18; repealed by 1975 c. 684 §1 (260.228 enacted in lieu of 260.227)]

260.228 [1975 c.684 §2 (enacted in lieu of 260.227); 1979 c.519 §34; repealed by 1979 c.190 §431]

260.230 [Repealed by 1967 c.630 §2 (260.231 enacted in lieu of 260.230)]

260.231 [1967 c.630 §3 (260.231 enacted in lieu of 260.230); 1971 c.749 §40; renumbered 260.132]

260.232 Civil penalty for failure to file statement or to include required information. (1) The Secretary of State may impose a civil penalty as provided in this section, in addition to any other penalty that may be imposed, for:

(a) Failure to file a statement or certificate required to be filed under ORS 260.058 to 260.156.

(b) Failure to include in a statement filed under ORS 260.058 to 260.156 the information required under ORS 260.083, 260.102 or 260.118.

(2) If a person required to file has not filed a statement or certificate complying with applicable provisions of ORS 260.058 to 260.156 within the time specified in ORS 260.058, 260.063, 260.068, 260.073, 260.078 or 260.118, the Secretary of State by certified mail shall notify the person that a penalty may be imposed and that the person has seven days to request a hearing before the Secretary of State.

(3) A hearing on whether to impose a civil penalty and to consider circumstances in mitigation shall be held by the Secretary of State:

(a) Upon request of the person against whom the penalty may be assessed, if the request is made not later than the seventh day

after the person received the notice sent under subsection (2) of this section;

(b) Upon request of the filing officer with whom a statement or certificate was required to be filed but was not filed; or

(c) Upon the Secretary of State's own motion.

(4) A hearing under subsection (3) of this section shall be held not later than 30 days after the deadline for the person against whom the penalty may be assessed to request a hearing. However, if requested by the person against whom the penalty may be assessed, a hearing under subsection (3) of this section shall be held not later than 45 days after the deadline for the person against whom the penalty may be assessed to request a hearing.

(5) The Secretary of State shall issue an order not later than 90 days after a hearing or after the deadline for requesting a hearing if no hearing is held.

(6) The person against whom a penalty may be assessed need not appear in person at a hearing held under this section, but instead may submit written testimony and other evidence, subject to the penalty for false swearing, to the Secretary of State for entry in the hearing record. Such documents must be received by the secretary not later than the time set for the hearing.

(7) A civil penalty imposed under this section shall be not more than:

(a) \$10,000 for failure to file a statement or certificate required to be filed under ORS 260.058 to 260.156; or

(b) \$10,000 for each failure to include in a statement filed under ORS 260.058 to 260.156 the information required under ORS 260.083, 260.102 or 260.118.

(8) The Secretary of State, upon a showing of mitigating circumstances, may reduce the amount of the penalty described in subsection (7) of this section.

(9) Except as otherwise provided by this section, civil penalties under this section shall be imposed as provided in ORS 183.090. [1979 c.190 §360; 1979 c.519 §344; 1981 c.234 §13; 1983 c.71 §8; 1985 c.471 §14; 1991 c.319 §1; 1991 c.719 §30; 1991 c.734 §118]

260.235 [1971 c.749 §21; 1973 c.744 §21; repealed by 1979 c.190 §431]

260.240 [Repealed by 1967 c.630 §5]

260.241 Removal from ballot for failure to file statement. (1) Despite delay in the filing of statements relating to a candidate's nomination required to be filed under ORS 260.058 or in the filing of a certificate in lieu of the statement required by ORS 260.058, the candidate's name shall appear on the general election ballot if those state-

ments are filed before the 20th day before the general election.

(2) A candidate's name shall not be placed on the general election ballot if the statements referred to in subsection (1) of this section are not filed before the 20th day before the general election. [1979 c.190 §361; 1981 c.234 §14; 1985 c.808 §61]

260.245 Withholding certificate of election or certificate of nomination for failure to file statement. A certificate of election or certificate of nomination shall not be granted to any candidate until the candidate has filed the statements relating to the election that the candidate is required to file under ORS 260.058 and 260.068. [1971 c.749 §22; 1973 c.744 §22; 1977 c.829 §21; 1979 c.190 §362; 1981 c.234 §15]

260.250 [Amended by 1971 c.749 §41; renumbered 260.442]

260.255 Preservation of filed statements by filing officers; summary of statements; contents. (1) A filing officer shall preserve each statement filed with the officer under ORS 260.058 to 260.156, or an accurate copy of it, for at least six years after the date of the election to which the statement refers.

(2) The Secretary of State shall prepare for each election a summary of the statements filed with the secretary under ORS 260.058 (1), 260.063 (1), 260.068 (1) and 260.073 (1) and shall make the summary available to the public. The county clerk shall prepare such a summary regarding candidates for county offices and county measures. The Secretary of State by rule may require a filing officer to prepare such a summary regarding other offices or measures.

(3) The summary reports prepared under this section shall include a list of all expenditures which total \$100 or more to any one person and a list of all contributions of:

(a) More than \$100 on behalf of a candidate for statewide office, regarding a statewide measure, or to a political committee supporting or opposing only such a candidate or measure;

(b) More than \$50 on behalf of a candidate for other than statewide office, regarding a measure other than a statewide measure, or to a political committee supporting or opposing such a candidate or measure; and

(c) More than \$50 to a political committee supporting or opposing both a candidate for statewide office or a statewide measure and a candidate for other than statewide office or a measure other than a statewide measure. [1971 c.749 §23; 1973 c.744 §23; 1975 c.683 §12; 1979 c.190 §363; 1981 c.234 §16; 1991 c.719 §311]

260.260 [Repealed by 1971 c.749 §82]

260.270 [Amended by 1957 c.644 §1; 1971 c.749 §44; renumbered 260.462]

260.280 [Amended by 1957 c.605 §1; 1967 c.630 §1; 1971 c.749 §45; renumbered 260.472]

260.290 [Repealed by 1957 c.644 §28]

260.300 [Amended by 1957 c.644 §2; repealed by 1971 c.749 §82]

260.305 [Formerly 260.010; repealed by 1973 c.744 §48]

260.310 [Amended by 1971 c.749 §47; renumbered 260.482]

ELECTION OFFENSES

(Administration and Enforcement)

260.315 Distribution of copies of law.

(1) The Secretary of State, at the expense of the state, shall furnish to the other filing officers copies of this chapter.

(2) A filing officer shall deliver a copy of this chapter to each candidate or person whom the officer has reason to believe is required to file a statement with the officer under ORS 260.058 to 260.156. [Formerly 260.030; 1979 c.190 §304]

260.320 [Amended by 1971 c.749 §48; renumbered 260.492]

260.325 [Formerly 260.540; 1979 c.190 §4; renumbered 246.046]

260.330 [Amended by 1957 c.644 §3; repealed by 1971 c.749 §82]

260.335 [1967 c.618 §2, 3; 1971 c.749 §50; renumbered 260.502]

260.340 [Amended by 1957 c.644 §5; 1971 c.749 §51; renumbered 260.512]

260.345 Complaints or other information regarding violations; action by Secretary of State and Attorney General.

(1) Any elector may file with any filing officer a written complaint alleging that a violation of an election law has occurred and stating the reason for believing that the violation occurred and any evidence relating to it. A complaint alleging a violation involving the Secretary of State, a candidate for the office of Secretary of State, or any political committee or person supporting the Secretary of State or a candidate for the office of Secretary of State may be filed with the Attorney General. The Secretary of State or Attorney General shall not accept an anonymous complaint.

(2) The Secretary of State by rule shall prescribe the procedure for processing a complaint filed with any person other than the Secretary of State. If the complaint concerns the Secretary of State, any candidate for the office of the Secretary of State, or any political committee or person supporting the candidacy of the Secretary of State or of another person for the office of Secretary of State, the complaint and any additional information relating to the complaint shall be sent to the Attorney General.

(3) Upon receipt of a complaint under subsection (1) or (2) of this section the Secretary of State or Attorney General immediately shall examine the complaint to determine whether a violation of an election law has occurred and shall make any investigation the Secretary of State or Attorney General considers necessary. Within 48 hours of receiving a complaint under subsection (1) or (2) of this section, the Secretary of State or Attorney General shall notify the person who is the subject of the complaint that a complaint has been received.

(4) If the Secretary of State believes after an investigation under subsection (3) of this section that a violation of an election law has occurred, the secretary:

(a) In the case of a violation that is subject to a penalty under ORS 260.993, immediately shall report the findings to the Attorney General and request prosecution. If the violation involves the Attorney General, a candidate for that office or a political committee or person supporting or opposing the Attorney General or a candidate for that office, the Secretary of State shall appoint another prosecutor for that purpose; or

(b) In the case of a violation not subject to a penalty under ORS 260.993, may impose a civil penalty under ORS 260.995.

(5) Upon receipt of a complaint or report under subsection (1), (2) or (4) of this section involving an alleged violation subject to a penalty under ORS 260.993, the Attorney General or other prosecutor immediately shall examine the complaint or report to determine whether a violation of an election law has occurred. If the Attorney General or prosecutor determines that a violation has occurred, the Attorney General or prosecutor immediately shall begin prosecution in the name of the state. The Attorney General or other prosecutor shall have the same powers in any county of this state as the district attorney for the county.

(6) Upon receipt of a complaint under subsection (1) or (2) of this section involving an alleged violation of an election law not subject to a penalty under ORS 260.993, the Attorney General shall examine the complaint to determine whether a violation of an election law has occurred and shall make any investigation the Attorney General considers necessary. If the Attorney General believes after an investigation that a violation of election law has occurred, the Attorney General may impose a civil penalty as provided in ORS 260.995.

(7) In the case of an alleged violation subject to a civil penalty under ORS 260.995, a complaint shall be filed by an elector under

this section no later than 90 days following the election at which a violation of the election laws is alleged to have occurred, or 90 days following the date the violation of the election laws is alleged to have occurred, whichever is later.

(8) A filing officer having reason to believe that a violation of the election laws has occurred shall proceed promptly as though the officer had received a complaint. [Formerly 260.105; 1973 c.744 §24; 1979 c.190 §365; 1987 c.718 §2; 1987 c.727 §9; 1989 c.171 §35; 1989 c.301 §1; 1989 c.571 §2; 1991 c.719 §32]

260.350 [Repealed by 1971 c.749 §82]

260.351 Court proceedings for election law violations, generally. A proceeding for violation of an election law shall be advanced on the docket of the court upon request of any party. However, the court may postpone or continue the trial if justice demands. As a condition of a continuance or postponement the court may impose costs. No petition shall be dismissed without the consent of the prosecutor, unless it is dismissed by the court. [Formerly 260.375; 1985 c.471 §15]

260.355 Deprivation of nomination or office for deliberate and material election violation. If, after a plea of guilty by or verdict of guilty against a person nominated or elected to a public office in a criminal prosecution of the person for violation of an election law in regard to either the person's nomination or election, the court determines that the violation was deliberate and material, the court, in addition to any other punishment it may impose, shall deprive the person of the nomination or, if the person was elected to an office other than state Senator or state Representative, of the office. In making the determination the court, in its discretion, may hear evidence, by testimony in open court or, if authorized by the court, by deposition, at a specified time and upon notice to the parties as the court may direct. [1971 c.749 §30; 1979 c.190 §367]

260.360 [Amended by 1955 c.446 §1; 1971 c.749 §52; renumbered 260.522]

260.365 Election or appointment after deprivation of nomination or office for violation. (1) A person nominated or elected to public office, and whose nomination or election has been annulled for violation of an election law, shall not serve, during the term of the office, in any office or vacancy in any office or position of trust, honor or emolument, whether elected or appointed, in this state.

(2) An appointment or election to an office or position of trust, honor or emolument made in violation of subsection (1) of this section shall be void. [Formerly 260.470; 1979 c.190 §368]

260.370 [Repealed by 1971 c.749 §82]

260.375 [Formerly 260.520; 1979 c.190 §366; renumbered 260.351]

260.380 [Amended by 1967 c.83 §1; 1971 c.749 §54; renumbered 260.532]

260.390 [Amended by 1957 c.644 §6; repealed by 1971 c.749 §82]

260.400 [1965 c.489 §1; repealed by 1971 c.749 §82]

(Particular Offenses)

260.402 Contributions in false name.

No person shall make a contribution to any other person, relating to a nomination or election of any candidate or the support or opposition to any measure, in any name other than that of the person who in truth provides the contribution. No person shall knowingly receive the contribution or enter or cause it to be entered in accounts or records in another name than that of the person by whom it was actually provided. However, if the contribution is received from the treasurer of any political committee, it shall be sufficient to enter it as received from the treasurer. [Formerly 260.210; 1973 c.744 §25; 1979 c.190 §369; 1991 c.911 §1]

260.405 [1967 c.593 §2; 1971 c.749 §55; renumbered 260.542]

260.410 [Repealed by 1971 c.749 §82]

260.412 [1971 c.749 §38; 1973 c.744 §26; 1979 c.190 §387; renumbered 260.665]

260.415 [Formerly 260.472; repealed by 1983 c.71 §12]

260.420 [Amended by 1971 c.749 §43; renumbered 260.452]

260.422 Acceptance of employment

where compensation to be contributed. No person shall accept employment with the understanding or agreement, express or implied, that the person will contribute any of the compensation to be received because of the employment to or on behalf of a candidate or political committee in support of the nomination or election of the candidate or in support of or in opposition to a measure. [1971 c.749 §39; 1973 c.744 §27; 1979 c.190 §371]

260.430 [Amended by 1971 c.644 §7; repealed by 1971 c.749 §82]

260.432 Solicitation of public employees; activities of public employees during working hours. (1) No person shall attempt to, or actually, coerce, command or require a public employee to influence or give money, service or other thing of value to promote or oppose any political committee or to promote or oppose the nomination or election of a candidate, the adoption of a measure or the recall of a public office holder.

(2) No public employee shall solicit any money, influence, service or other thing of value or otherwise promote any political committee or promote or oppose the nomi-

nation or election of a candidate, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views.

(3) Each public employer shall have posted in a conspicuous place likely to be seen by its employees the following notice in printed or typewritten form:

ATTENTION ALL PUBLIC EMPLOYEES:

The restrictions imposed by the law of the State of Oregon on your political activities are that "No public employee shall solicit any money, influence, service or other thing of value or otherwise promote any political committee or promote or oppose the nomination or election of a candidate, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views."

It is therefore the policy of the state and of your public employer that you may engage in political activity except to the extent prohibited by state law when on the job during working hours.

(4) As used in this section:

(a) "Public employee" does not include an elected official.

(b) "Public employer" includes any board, commission, committee, department, division or institution in the executive, administrative, legislative or judicial branch of state government, and any county, city, district or other municipal corporation or public corporation organized for a public purpose, including a cooperative body formed between municipal or public corporations. [Formerly 260.231; 1973 c.53 §27a; 1979 c.190 §372; 1979 c.510 §35a; 1983 c.71 §9; 1983 c.392 §1; 1985 c.565 §39; 1985 c.508 §62; 1987 c.718 §3]

260.440 [Amended by 1971 c.644 §8; repealed by 1971 c.749 §82]

260.442 [Formerly 260.250; 1973 c.744 §28; 1979 c.190 §383; renumbered 260.625]

260.450 [Repealed by 1957 c.644 §28]

260.452 [Formerly 260.420; 1973 c.744 §29; repealed by c.190 §431]

260.460 [Repealed by 1957 c.644 §28]

260.462 [Formerly 260.270; 1973 c.744 §30; 1979 c.190 §386; renumbered 260.655]

260.470 [Amended by 1957 c.644 §9; 1971 c.749 §34; renumbered 260.365]

260.472 [Formerly 260.280; 1973 c.744 §31; 1979 c.190 §370; renumbered 260.415]

260.480 [Amended by 1957 c.644 §11; repealed by 1971 c.749 §82]

260.482 [Formerly 260.310; 1973 c.744 §32; 1977 c.678 §3; 1979 c.190 §384; renumbered 260.635]

260.490 [Amended by 1959 c.644 §12; repealed by 1971 c.749 §82]

260.492 [Formerly 260.320; 1973 c.744 §33; repealed by 1971 c.749 §81]

260.500 [Amended by 1957 c.644 §13; 1971 c.749 §56; renumbered 260.552]

260.502 [Formerly 260.335; repealed by 1973 c.744 §48]

260.510 [Amended by 1957 c.644 §14; repealed by 1971 c.749 §82]

260.512 [Formerly 260.340; 1973 c.744 §34; 1979 c.190 §380; renumbered 260.605]

260.520 [Amended by 1957 c.644 §15; 1971 c.749 §35; renumbered 260.373]

260.522 Identification of source of political publication. (1) Except as provided in this section, no person shall cause to be printed, posted, broadcast, mailed, circulated or otherwise published, any written matter, photograph or broadcast relating to any election or to any candidate or measure at any election, unless it states the name and address of the person responsible for the publication, including a statement that the publication was authorized by the person.

(2) A radio broadcast which complies with the requirements of the Federal Communications Act and regulations under it is not required to state the address of the person responsible for the broadcast if the person responsible for the broadcast is a candidate or political committee.

(3) The prohibition under subsection (1) of this section does not apply to:

(a) Any sign relating to a candidate if the candidate or the principal campaign committee of the candidate is responsible for the sign and the sign displays the name of the candidate; or

(b) Any written matter relating to a measure at any election prepared under the direction of the governing body of the city, county or district that referred the measure if the written matter is impartial, neither supports nor opposes passage of the measure and contains the name and address of the city, county or district.

(4) Any written matter or broadcast which has been previously published shall have the publisher and date of publication clearly identified when it is referred to in a publication listed under subsection (1) of this section.

(5) "Address" for purposes of this section means the address of a residence, office, headquarters or similar location where the person may be conveniently located. If the person is a political committee, the address shall be the address of the political committee included in the statement of organization under ORS 260.042. [Formerly 260.360; 1973 c.493

§1; 1973 c.744 §35; 1975 c.683 §13; 1979 c.190 §373; 1981 c.234 §17; 1983 c.71 §11; 1985 c.808 §63; 1989 c.503 §28; 1989 c.1054 §13]

260.530 [Repealed by 1957 c.644 §28]

260.532 False publication relating to candidate or measure. (1) No person shall cause to be written, printed, published, posted, communicated or circulated, any letter, circular, bill, placard, poster, photograph or other publication, or cause any advertisement to be placed in a publication, or singly or with others pay for any advertisement, with knowledge or with reckless disregard that the letter, circular, bill, placard, poster, photograph, publication or advertisement contains a false statement of material fact relating to any candidate, political committee or measure.

(2) A candidate who knows of and consents to a publication or advertisement prohibited by this section with knowledge or with reckless disregard that it contains a false statement of material fact, violates this section regardless of whether the candidate has participated directly in the publication or advertisement.

(3) There is a rebuttable presumption that a candidate knows of and consents to any publication or advertisement prohibited by this section caused by a political committee over which the candidate exercises any direction and control.

(4) Any candidate or political committee aggrieved by a violation of this section shall have a right of action against the person alleged to have committed the violation. The aggrieved party may file the action in the circuit court for any county in this state in which a defendant resides or can be found or, if the defendant is a nonresident of this state, in the circuit court for any county in which the publication occurred. To prevail in such an action, the plaintiff must show by clear and convincing evidence that the defendant violated subsection (1) of this section.

(5) A plaintiff who prevails in an action provided by subsection (4) of this section may recover compensatory damages for all injury suffered by the plaintiff by reason of the false statement of material fact. Proof of entitlement to compensatory damages must be by a preponderance of evidence. Any prevailing party is entitled to recover reasonable attorney fees at trial and on appeal.

(6) A political committee has standing to bring an action provided by subsection (4) of this section as plaintiff in its own name, if its purpose as evidenced by its pre-election activities, solicitations and publications has been injured by the violation and if it has fully complied with the provisions of this chapter. In an action brought by a political

committee as provided by subsection (4) of this section, the plaintiff may recover compensatory damages for all injury to the purpose of the committee by reason of the false statement of material fact. A political committee may not be sued as defendant in such an action. A recovery made by a political committee which prevails in an action under this section shall be distributed pro rata among the persons making contributions to the committee.

(7) If a judgment is rendered in an action under this section against a defendant who has been nominated to public office or elected to a public office other than state Senator or state Representative, and it is established by clear and convincing evidence that the false statement was deliberately made or caused to be made by the defendant, the finder of fact shall determine whether the false statement reversed the outcome of the election. If the finder of fact finds by clear and convincing evidence that the false statement reversed the outcome of the election, the defendant shall be deprived of the nomination or election and the nomination or office shall be declared vacant.

(8) An action under this section must be filed not later than the 30th day after the election relating to which a publication or advertisement in violation of this section was made. Proceedings on a complaint filed under this section shall have precedence over all other business on the docket. The courts shall proceed in a manner which will insure that:

(a) Final judgment on a complaint which relates to a primary or nominating election is rendered before the 30th day before the general election; and

(b) Final judgment on a complaint which relates to an election to an office is rendered before the term of that office begins.

(9) The remedy provided by this section is the exclusive remedy for a violation of this section. [Formerly 260.380; 1973 c.744 §36; 1975 c.633 §14; 1979 c.190 §374; 1979 c.667 §2; 1981 c.897 §45; 1983 c.756 §1; 1985 c.808 §63a]

260.540 [1957 c.644 §10; 1971 c.749 §27; renumbered 260.325]

260.542 Use of term "reelect." No person shall use the term "reelect" in any material, statement or publication supporting the election of a candidate unless the candidate:

(1) Was elected to the identical office with the same position number, if any, in the most recent election to fill that office;

(2) Was elected from the same district from which the candidate is seeking election or, if district boundaries have been changed since the previous election, if the majority

of the population in the district from which the candidate is seeking election was in the district from which the candidate was previously elected; and

(3) Is serving and has served continuously in that office from the beginning of the term to which the candidate was elected. [Formerly 260.405; 1973 c.744 §37; 1979 c.190 §375]

260.545 Use of candidate name in way implying candidate is incumbent. No person shall use the name of a candidate in a way that implies that the candidate is the incumbent in office in any material, statement or publication supporting the election of a candidate unless the candidate is qualified to use the term "reelect" under ORS 260.542 or the candidate:

(1) Was appointed to the identical office with the same position number, if any, after the most recent election to fill that office;

(2) Was appointed from the same district from which the candidate is seeking election, or if district boundaries have changed since the previous election, if the majority of the population in the district from which the candidate is seeking election was in the district from which the candidate was appointed; and

(3) Is serving and has served continuously in that office since the date of appointment. [1987 c.826 §2]

260.552 [Formerly 260.500; 1973 c.744 §38; repealed by 1979 c.190 §431]

260.555 Prohibitions relating to circulation, filing or certification of initiative, referendum or recall petition. (1) No person attempting to obtain signatures on, or causing to be circulated, an initiative, referendum or recall petition, shall knowingly make any false statement regarding the contents, meaning or effect of the petition to any person who signs it, attempts to sign it, is requested to sign it or requests information concerning it.

(2) No person shall attempt to obtain signatures to, cause to be circulated or file with a filing officer, an initiative, referendum or recall petition, knowing it to contain a false signature.

(3) No person shall knowingly sign an initiative, referendum or recall petition more than once, knowingly sign such petition when not qualified to sign it, or sign such petition in any name other than the person's own.

(4) No public official or employee shall knowingly make a false certification concerning an initiative, referendum or recall petition. [1979 c.190 §376]

260.560 Obtaining signatures on petition by person who is not elector prohib-

ited. A person who is not an elector shall not attempt to obtain signatures on an initiative, referendum or recall petition. [1983 c.514 §16; 1985 c.808 §64]

260.565 [Formerly 254.590; 1981 c.234 §18; repealed by 1983 c.756 §13]

260.575 Use of threats and intimidation for purpose of extorting money. No person, for any consideration, shall:

(1) Offer, propose, threaten or attempt to sell, hinder or delay any part of an initiative, referendum or recall petition.

(2) Offer, propose or threaten to desist from beginning, promoting, circulating, or soliciting signatures to, any initiative, referendum or recall petition.

(3) Offer, propose, attempt or threaten in any manner to use an initiative, referendum or recall petition or any power of promotion or opposition concerning such petition for extortion, blackmail or private intimidation of any person. [Formerly 254.580]

260.585 [Formerly 254.600; repealed by 1985 c.732 §7 and 1985 c.808 §82]

260.605 Purchase of advertising or payment for editorial advocacy or opposition prohibited. No person shall purchase or arrange for the purchase of any advertising from, or pay the owner, editor, manager, publisher or agent of any newspaper or other periodical or of any radio or television station, to induce that person to editorially support or oppose any candidate or measure. No such owner, editor, manager, publisher or agent shall solicit or receive such payment or purchase of advertising. [Formerly 260.512]

260.610 [Amended by 1957 c.644 §16; 1971 c.749 §57; 1973 c.744 §39; repealed by 1979 c.190 §431]

260.615 Special privileges by public utility to political patrons prohibited. (1) No public utility or telecommunications utility or its agents or officers shall offer or give to a political committee or a member or employee of the committee, or to a candidate for or incumbent of any public office or to any person at the request, or for the advantage of any of them, any reduced rate or a privilege withheld from any person for service which is or will be rendered by a public utility or telecommunications utility.

(2) No political committee, member or employee of the committee, or candidate or incumbent shall ask for or accept from a public utility or telecommunications utility, or its agent or officer, or use in any manner or for any purpose a reduced rate, frank or privilege withheld from any person, for any service which is or will be rendered by a public utility or telecommunications utility.

(3) As used in this section, "public utility" has the meaning given that term in ORS 757.005.

(4) As used in this section, "telecommunications utility" has the meaning given that term in ORS 759.005. [1979 c.190 §381; 1987 c.447 §106]

260.620 [Repealed by 1957 c.644 §28]

260.625 Transfer of convention credential for value. No person shall offer or effect the transfer of any convention credential in return for payment of money or other thing of value. [Formerly 260.442]

260.630 [Amended by 1957 c.644 §17; 1971 c.749 §58; 1973 c.744 §40; repealed by 1979 c.190 §431]

260.635 Bets and wagers on election results. (1) No candidate shall make or become party to a bet of anything of pecuniary value on any event or contingency relating to a pending election. No candidate shall provide money or other thing of value to be used by any person in betting upon the results of a pending election.

(2) No person, to influence the result of any election, shall make a bet of anything of pecuniary value on the result of a pending election, or on any event relating to it. [Formerly 260.482]

260.640 [Amended by 1957 c.644 §18; 1959 c.358 §1; 1971 c.749 §59; 1973 c.744 §41; repealed by 1979 c.190 §431]

260.645 Illegal acts relating to voting machines or vote tally systems. (1) No person shall:

(a) Tamper with or injure or attempt to injure any voting machine or vote tally system to be used or being used in an election.

(b) Tamper with any voting machine or vote tally system that has been used in an election except in performance of election duties.

(c) Prevent or attempt to prevent the correct operation of any voting machine or vote tally system.

(2) An unauthorized person shall not make or possess a key to a voting machine or vote tally system to be used or being used in an election.

(3) Neither the Secretary of State nor any officer or employee of any county, city or district using a voting machine or vote tally system, shall solicit or accept any compensation, other than amounts paid by the governmental unit, in connection with the sale, lease or use of the voting machine or vote tally system.

(4) As used in this section, "voting machine" and "vote tally system" have the meaning given those terms in ORS 246.012. [1979 c.190 §385; 1981 c.909 §9]

260.650 [Amended by 1957 c.644 §19; 1971 c.749 §60; 1973 c.744 §42; repealed by 1979 c.190 §431]

260.655 Payments for putting name on nomination papers or for performance of political committee duties. No payment or contribution for any purpose shall be made a condition precedent to putting a name on any caucus or convention ballot, nomination paper or petition, or to the performance of any duty imposed by law on a political committee. [Formerly 260.462]

260.660 [Amended by 1957 c.644 §20; 1971 c.749 §61; 1973 c.744 §43; repealed by 1979 c.190 §431]

260.665 Undue influence to affect registration, voting, candidacy; solicitation of money or other benefits. (1) As used in this section, "undue influence" means force, violence, restraint or the threat of it, inflicting injury, damage, harm, loss of employment or other loss or the threat of it, fraud or giving or promising to give money, employment or other thing of value.

(2) No person, acting either alone or with or through any other person, shall directly or indirectly subject any person to undue influence with the intent to induce any person to:

- (a) Register or vote;
- (b) Refrain from registering or voting;
- (c) Register or vote in any particular manner;
- (d) Be or refrain from or cease being a candidate;
- (e) Contribute or refrain from contributing to any candidate, political party or political committee;
- (f) Render or refrain from rendering services to any candidate, political party or political committee;
- (g) Challenge or refrain from challenging a person offering to vote; or
- (h) Apply or refrain from applying for an absentee ballot.

(3) No person shall solicit or accept money or other thing of value as an inducement to act as prohibited by subsection (2) of this section.

(4) This section does not prohibit:

- (a) The employment of persons to render services to candidates, political parties or political committees;
- (b) The public distribution by candidates, political parties or political committees of sample ballots or other items readily available to the public without charge, even though the distributor incurs costs in the distribution;
- (c) Public or nonpromissory statements by or on behalf of a candidate of the candidate's intentions or purposes if elected;

(d) A promise by a candidate to employ any person as administrative assistant, secretary or other direct personal aide;

(e) Free custody and care of minor children of persons during the time those persons are absent from those children for voting purposes;

(f) Free transportation to and from the polls for persons voting; but no means of advertising, solicitation or inducement to influence the vote of persons transported shall be used with that transportation;

(g) Individuals or political committees from providing refreshments incidental to a gathering in support of or in opposition to a candidate, political committee or measure; or

(h) The public distribution of registration cards by a person approved by the Secretary of State under ORS 247.171 to print, copy or otherwise prepare and distribute registration cards, even though the distributor incurs costs in the distribution. [Formerly 260.412; 1983 c.83 §31; 1987 c.464 §1; 1987 c.727 §10; 1989 c.173 §2]

260.670 [Amended by 1957 c.644 §21; 1971 c.749 §62; 1973 c.744 §44; repealed by 1979 c.190 §431]

260.675 Furnishing, printing or distributing ballots contrary to law prohibited. No person employed or authorized to print official ballots or ballot labels shall give, deliver or knowingly permit any of the ballots or ballot labels to be taken by any person other than the official under whose direction the ballots or ballot labels are printed. No person shall knowingly print, cause or permit to be printed any ballot or ballot label in any other form, with any other names, with names spelled or names of the candidates arranged in any other way than that directed by such official. No official having the duty of distributing ballots or ballot labels, nor any persons acting for that official, shall knowingly distribute or cause to be distributed any ballots or ballot labels in any other manner than as provided under the election law. [Formerly 249.364]

260.680 [Repealed by 1971 c.749 §82]

260.685 Performance of duties by election official required. (1) No election official shall negligently fail to perform any duty required of the official under the election laws.

(2) No election official shall knowingly fail to perform any duty required of the official under the election laws. [1979 c.190 §389]

260.690 [Repealed by 1971 c.749 §82]

260.695 Prohibitions relating to voting and the polling place. (1) No person shall print or circulate an imitation of the ballot or sample ballot, or a portion of the ballot or sample ballot, which contains information which will not appear, or deletes information

which will appear, on the ballot or sample ballot, or that portion of the ballot or sample ballot. This subsection does not prohibit the printing or circulation of an imitation of a ballot which illustrates the manner in which a candidate's name may be written in for an office.

(2) No person, within any building in which a polling place is located or within 100 feet measured radially from any entrance to the building, shall do any electioneering, including circulating any cards or hand bills, or soliciting signatures to any petition. No person shall do any electioneering by public address system located more than 100 feet from an entrance to the building but capable of being understood within 100 feet of the building. The electioneering need not relate to the election being conducted.

(3) No person shall obstruct an entrance of a building in which a polling place is located.

(4) No person, within a polling place, shall wear a political badge, button or other insignia.

(5) No person shall vote or offer to vote in any election or at any polling place knowing the person is not entitled to vote.

(6) No person shall sign the poll book knowing that the person's residence is not then within the precinct.

(7) No person at a polling place, other than an election board member, shall deliver a ballot to an elector.

(8) No elector other than an absent elector shall knowingly receive a ballot from any other person than an election board member.

(9) No person shall make a false statement about the person's inability to mark a ballot.

(10) No person, except an election official in performance of duties or other person providing assistance to a handicapped elector, shall ask a person at the polling place for whom that person intends to vote, or examine or attempt to examine the person's ballot.

(11) No person shall show the person's own marked or punched ballot to another person to reveal how it was marked or punched.

(12) No election official, other than in the performance of duties, shall disclose to any person any information by which it can be ascertained for whom any elector has voted.

(13) No person, other than an election official in performance of duties, shall do anything to a ballot to permit identification of the person who voted.

(14) No elector shall deliver a ballot to an election board member except the ballot the elector received from an election board member.

(15) No person, except an election board member, shall receive from an elector other than an absent elector a marked or punched ballot.

(16) No elector shall wilfully leave in the polling place anything that will show how the elector's ballot was marked or punched.

(17) No person, except an election official in performance of duties, shall remove a ballot from any polling place.

(18) No person, except an election official in performance of duties or a person authorized by that official, shall wilfully deface, remove, alter or destroy a posted election notice.

(19) No person, except an election official in performance of duties, shall wilfully remove, alter or destroy election equipment or supplies, or break the seal or open any sealed package containing election supplies. [1979 c.190 §300]

260.700 [Amended by 1957 c.644 §22; repealed by 1971 c.749 §82]

260.705 Premature release of vote tally prohibited. No person shall make public the results of the tally of votes from any precinct until after the time for the close of all the polls in the state. [Formerly 246.045]

260.710 [Amended by 1971 c.749 §66; 1973 c.744 §45; repealed by 1979 c.190 §431]

260.715 Prohibitions relating to voting and ballots. (1) No person shall knowingly make a false statement, oath or affidavit where a statement, oath or affidavit is required under the election laws.

(2) No person shall request a ballot in a name other than the person's own name.

(3) No person shall attempt to vote more than once at the same election.

(4) No person, except an election official in performance of duties, shall wilfully alter or destroy a ballot cast at an election or the returns of an election.

(5) No person shall wilfully place a fraudulent ballot among the genuine ballots.

(6) No person shall falsely write anything on the ballot or ballot stub purporting it to be written by an election board member.

(7) No person shall commit theft of a ballot or tally or return sheet, or wilfully hinder or delay the delivery of the tally or return sheet to the county clerk, or fraudulently break open a sealed tally or return sheet of the election. [1979 c.190 §332]

260.720 [Repealed by 1971 c.749 §82]

260.730 [Amended by 1957 c.644 §23; repealed by 1971 c.749 §82]

260.740 [Repealed by 1957 c.644 §28]

260.750 [Amended by 1957 c.644 §24; repealed by 1971 c.749 §82]

260.760 [Amended by 1957 c.644 §25; repealed by 1971 c.749 §82]

260.770 [Repealed by 1971 c.749 §82]

260.780 [Amended by 1957 c.644 §26; repealed by 1971 c.743 §432 and by 1971 c.749 §83]

260.790 [Repealed by 1971 c.743 §432 and by 1971 c.749 §83]

260.800 [Repealed by 1957 c.644 §26]

260.810 [Repealed by 1957 c.644 §28]

260.820 [Repealed by 1971 c.749 §82]

PENALTIES

260.990 [1971 c.749 §24, 74; repealed by 1973 c.744 §46 (260.991 enacted in lieu of 260.990)]

260.991 [1973 c.744 §47 (enacted in lieu of 260.990); repealed by 1979 c.190 §431]

260.992 [1973 c.623 §6; repealed by 1977 c.678 §4]

260.993 Criminal penalties. (1) The penalty for violation of ORS 260.532 is limited to that provided in ORS 260.532 (5) and (7).

(2) Violation of ORS 260.402, 260.555, 260.575, 260.615, 260.645, 260.665 (2) or (3) involving any action described in ORS 260.665 (2)(d) to (f) or 260.715 is a Class C felony.

(3) Violation of ORS 260.695 (5) is a Class A misdemeanor. [1979 c.190 §393; 1983 c.514 §17; 1983 c.756 §2; 1985 c.808 §65; 1987 c.718 §4]

260.995 Civil penalties. (1) Following an investigation under ORS 260.345, the Secretary of State or Attorney General may impose a civil penalty not to exceed \$250 for each violation of any provision of Oregon Revised Statutes relating to the conduct of any election or any other matter preliminary to or relating to an election, for which no penalty is otherwise provided.

(2) Except as otherwise provided by this section, civil penalties under this section shall be imposed as provided in ORS 183.090. In addition to the requirements of ORS 183.090, the notice shall include:

(a) A statement of the authority and jurisdiction under which the hearing is to be held; and

(b) If the person is an agency, corporation or an unincorporated association, a statement that such person must be represented by an attorney licensed in Oregon, unless the person is a political committee which may be represented by any officer identified in the most recent statement of organization filed with the filing officer.

(3) A hearing on whether to impose a civil penalty and to consider circumstances

in mitigation shall be held by the Secretary of State or Attorney General:

(a) Upon request of the person against whom the penalty may be assessed, if the request is made not later than the 20th day after the date the person received notice sent under subsection (2) of this section; or

(b) Upon the Secretary of State's or Attorney General's own motion.

(4) The person against whom a penalty may be assessed need not appear in person at a hearing held under this section, but instead may submit written testimony and other evidence, sworn to before a notary public, to the Secretary of State or Attorney General for entry in the hearing record. Such documents must be received by the Secretary of State or Attorney General not later than the time set for the hearing.

(5) All hearings under this section shall be held not later than 30 days after the deadline for the person against whom the penalty may be assessed to request a hearing. However, if requested by the person against whom the penalty may be assessed, a hearing under subsection (3) of this section shall be held not later than 45 days after the deadline for the person against whom the penalty may be assessed to request a hearing.

(6) The Secretary of State or Attorney General shall issue an order not later than 90 days after a hearing or after the deadline for requesting a hearing if no hearing is held.

(7) Except as provided in this subsection, all penalties recovered under this section shall be paid into the State Treasury and credited to the General Fund. A penalty that is recovered from a person who violated ORS 260.432 (1) or from a public employee who violated ORS 260.432 (2) shall be remitted as follows:

(a) If the public employee involved is an employee of the state or any of its agencies or institutions, the penalty shall be paid into the State Treasury and credited to the General Fund.

(b) If the public employee involved is an employee of a city, county or other political subdivision, the penalty shall be paid to the city, county or other political subdivision. [1987 c.718 §1; 1991 c.319 §2; 1991 c.734 §119]

Note: 260.995 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 260 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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**CONSTITUTION
OF
OREGON**

Constitution of Oregon

PROPOSED AMENDMENTS

The 1991 regular session of the Legislative Assembly proposed three amendments to the Constitution of Oregon. One proposed amendment is to be submitted for approval or rejection at the time of the regular primary election on May 19, 1992. Two proposed amendments are to be submitted for approval or rejection at the regular general election on November 3, 1992.

For the convenience of the user, these proposed constitutional amendments are set forth consecutively by the election to which they will be submitted.

As set out below, material in **boldface** would be added to existing sections by a proposed amendment, while *[bracketed]* material would be deleted. Complete new sections begin with Section ____.

1992 PRIMARY ELECTION

House Joint Resolution 27 proposes the following:

PARAGRAPH 1. Section 3a, Article IX of the Oregon Constitution, is amended to read:

Sec. 3a. (1) Except as provided in *[subsection (2)]* subsections (2) and (3) of this section, revenue from the following shall be used exclusively for the construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads, streets and roadside rest areas in this state:

(a) Any tax levied on, with respect to, or measured by the storage, withdrawal, use, sale, distribution, importation or receipt of motor vehicle fuel or any other product used for the propulsion of motor vehicles; and

(b) Any tax or excise levied on the ownership, operation or use of motor vehicles.

(2) Revenues described in subsection (1) of this section:

(a) May also be used for the cost of administration and any refunds or credits authorized by law.

(b) May also be used for the retirement of bonds for which such revenues have been pledged.

(c) If from levies under paragraph (b) of subsection (1) of this section on campers, mobile homes, motor homes, travel trailers, snowmobiles, or like vehicles, may also be used for the acquisition, development, maintenance or care of parks or recreation areas.

(d) If from levies under paragraph (b) of subsection (1) of this section on vehicles used or held out for use for commercial purposes, may also be used for enforcement of commercial vehicle weight, size, load, conformation and equipment regulation.

(3) Revenues described in subsection (1) of this section may also be used for policing of public highways, roads, streets and roadside rest areas in this state if the revenues result from a tax or excise levied or imposed on or after January 1, 1993, that is specifically dedicated to that purpose and that is additional to any tax or excise described in subsection (1) of this section that is in effect on the

effective date of this subsection. An agency may not collect any registration fee surcharge upon registration or renewal of registration of a motor vehicle if moneys from the surcharge are statutorily dedicated to policing activities unless the surcharge is imposed by a law that is enacted after January 1, 1993.

1992 GENERAL ELECTION

Senate Joint Resolution 12 proposes the following:

PARAGRAPH 1. Section 3a, Article IX of the Oregon Constitution, is amended to read:

Sec. 3a. (1) Except as provided in *[subsection]* subsections (2) and (3) of this section, revenue from the following shall be used exclusively for the construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads, streets and roadside rest areas in this state:

(a) Any tax levied on, with respect to, or measured by the storage, withdrawal, use, sale, distribution, importation or receipt of motor vehicle fuel or any other product used for the propulsion of motor vehicles; and

(b) Any tax or excise levied on the ownership, operation or use of motor vehicles.

(2) Revenues described in subsection (1) of this section:

(a) May also be used for the cost of administration and any refunds or credits authorized by law.

(b) May also be used for the retirement of bonds for which such revenues have been pledged.

(c) If from levies under paragraph (b) of subsection (1) of this section on campers, mobile homes, motor homes, travel trailers, snowmobiles, or like vehicles, may also be used for the acquisition, development, maintenance or care of parks or recreation areas.

(d) If from levies under paragraph (b) of subsection (1) of this section on vehicles used or held out for use for commercial purposes, may also be used for enforcement of commercial vehicle weight, size, load, conformation and equipment regulation.

(3) Revenues described in paragraph (a) of subsection (1) of this section may also be used for acquisition, development, maintenance, care and use of state park and recreation sites if the revenues result from a tax that is specifically dedicated to those purposes and that is additional to any tax described in paragraph (a) of subsection (1) of this section that is in effect on the effective date of this subsection. The Legislative Assembly may not increase the tax described in paragraph (a) of subsection (1) of this section for the purposes described in this subsection by more than two cents per gallon of gasoline, and an equivalent amount for other products used for the propulsion of motor vehicles, in any one biennium.

Senate Joint Resolution 13 proposes the following:

PARAGRAPH 1. The Constitution of the State of Oregon is amended by creating a new Article to be known as Article XI-K and to read:

CONSTITUTION OF OREGON

ARTICLE XI-K

SECTION 1. (1) Notwithstanding the limits contained in section 7, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred in an amount not to exceed \$250 million, for the purpose of creating a fund to be known as the State Parks and Recreation Development Fund.

(2) This fund shall be used to provide funds to be advanced, by contract, grant, loan or otherwise, for the purpose of financing:

(a) The acquisition, development and maintenance of sites and areas of outstanding natural, scenic, cultural, historic or recreational value;

(b) The acquisition, development and maintenance of the state park system, and the creation of overnight camping and recreational facilities in each county of this state, with emphasis on easy access to all the people of the State of Oregon; and

(c) The acquisition, development and enhancement of fish and wildlife habitat and spawning areas and fish and wildlife viewing areas in cooperation with the State Department of Fish and Wildlife.

SECTION 2. Bonds of the State of Oregon containing a direct promise on behalf of the state to pay the face value thereof, with the interest therein provided for, may be issued to an amount authorized by section

1 of this Article for the purpose of creating such fund. The bonds shall be a direct obligation of the state and shall be in such form and shall run for periods of time and bear such rates of interest as provided by statute.

SECTION 3. Refunding bonds may be issued under authority of sections 1 and 2 of this Article. There may be issued and outstanding at any time bonds aggregating the amount authorized by section 1 of this Article but at no time shall the total of all bonds outstanding, including refunding bonds, exceed the amount so authorized.

SECTION 4. Ad valorem taxes shall be levied annually upon all of the taxable property in the State of Oregon, in sufficient amounts to provide for payment of principal and interest of the bonds issued pursuant to this Article. Revenues of the State Parks and Recreation Department, gifts, grants from the Federal Government and other user charges and assessments may be used for the payment of indebtedness incurred by the state and the interest thereon. The Legislative Assembly may provide other revenues to supplement or replace, in whole or in part, such tax levies.

SECTION 5. The Legislative Assembly shall enact legislation to carry out the provisions of this Article. This Article supersedes any conflicting provision of a county or city charter or act of incorporation.

CONSTITUTION OF OREGON

Constitution of Oregon 1991 EDITION

The Oregon Constitution was framed by a convention of 60 delegates chosen by the people. The convention met on the third Monday in August 1857 and adjourned on September 18 of the same year. On November 9, 1857, the Constitution was approved by the vote of the people of Oregon Territory. The Act of Congress admitting Oregon into the Union was approved February 14, 1859, and on that date the Constitution went into effect.

The Constitution is here published as it is in effect following the approval of amendments on May 22, 1990, and November 6, 1990. The text of the original signed

copy of the Constitution filed in the office of the Secretary of State is retained unless it has been repealed or superseded by amendment. Where the original text has been amended or where a new provision has been added to the original Constitution, the source of the amendment or addition is indicated in the source note immediately following the text of the amended or new section. Notations also have been made setting out the history of repealed sections.

Unless otherwise specifically noted, the lead lines for the sections have been supplied.

Preamble

Article	I	Bill of Rights
	II	Suffrage and Elections
	III	Distribution of Powers
	IV	Legislative Department
	V	Executive Department
	VI	Administrative Department
	VII	(Amended) Judicial Department
	VII	(Original) The Judicial Department
	VIII	Education and School Lands
	IX	Finance
	X	The Militia
	XI	Corporations and Internal Improvements
	XI-A	Farm and Home Loans to Veterans
	XI-D	State Power Development
	XI-E	State Reforestation
	XI-F(1)	Higher Education Building Projects
	XI-F(2)	Veterans' Bonus
	XI-G	Higher Education Institutions and Activities; Community Colleges
	XI-H	Pollution Control
	XI-I(1)	Water Development Projects
	XI-I(2)	Multifamily Housing for Elderly and Disabled
	XI-J	Small Scale Local Energy Loans
	XII	State Printing
	XIV	Seat of Government
	XV	Miscellaneous
	XVI	Boundaries
	XVII	Amendments and Revisions
	XVIII	Schedule

PREAMBLE

We the people of the State of Oregon to the end that Justice be established, order maintained, and liberty perpetuated, do ordain this Constitution. —

CONSTITUTION OF OREGON

**ARTICLE I
BILL OF RIGHTS**

- Sec. 1. Natural rights inherent in people
- 2. Freedom of worship
- 3. Freedom of religious opinion
- 4. No religious qualification for office
- 5. No money to be appropriated for religion
- 6. No religious test for witnesses or jurors
- 7. Manner of administering oath or affirmation
- 8. Freedom of speech and press
- 9. Unreasonable searches or seizures
- 10. Administration of justice
- 11. Rights of accused in criminal prosecution
- 12. Double jeopardy; compulsory self-incrimination
- 13. Treatment of arrested or confined persons
- 14. Bailable offenses
- 15. Reformation the basis of criminal law
- 16. Excessive bail and fines; cruel and unusual punishments; power of jury in criminal case
- 17. Jury trial in civil cases
- 18. Private property or services taken for public use
- 19. Imprisonment for debt
- 20. Equality of privileges and immunities of citizens
- 21. Ex-post facto laws; laws impairing contracts; laws depending on authorization in order to take effect; laws submitted to electors
- 22. Suspension of operation of laws
- 23. Habeas corpus
- 24. Treason
- 25. Corruption of blood or forfeiture of estate
- 26. Assemblages of people; instruction of representatives; application to legislature
- 27. Right to bear arms; military subordinate to civil power
- 28. Quartering soldiers
- 29. Titles of nobility; hereditary distinctions
- 30. Emigration
- 32. Taxes and duties; uniformity of taxation
- 33. Enumeration of rights not exclusive
- 34. Slavery or involuntary servitude
- 39. Sale of liquor by individual glass
- 40. Penalty for aggravated murder

Section 1. Natural rights inherent in people. We declare that all men, when they form a social compact are equal in right; that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper. —

Section 2. Freedom of worship. All men shall be secure in the Natural right, to worship Almighty God according to the dictates of their own consciences. —

Section 3. Freedom of religious opinion. No law shall in any case whatever control the free exercise, and enjoyment of religious (sic) opinions, or interfere with the rights of conscience. —

Section 4. No religious qualification for office. No religious test shall be required as a qualification for any office of trust or profit. —

Section 5. No money to be appropriated for religion. No money shall be drawn from the Treasury for the benefit of any religious (sic), or theological institution, nor shall any money be appropriated for the payment of any religious (sic) services in either house of the Legislative Assembly. —

Section 6. No religious test for witnesses or jurors. No person shall be rendered incompetent as a witness, or juror in consequence of his opinions on matters of religion (sic); nor be questioned in any Court of Justice touching his religious (sic) belief to affect the weight of his testimony. —

Section 7. Manner of administering oath or affirmation. The mode of administering an oath, or affirmation shall be such as may be most consistent with, and binding upon the conscience of the person to whom such oath or affirmation may be administered. —

Section 8. Freedom of speech and press. No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. —

Section 9. Unreasonable searches or seizures. No law shall violate the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search, or seizure; and no warrant shall issue but upon probable cause, supported by oath, or affirmation, and particularly describing the place to be searched, and the person or thing to be seized. —

Section 10. Administration of justice. No court shall be secret, but justice shall be administered, openly and without purchase, completely and without delay, and every man shall have remedy by due course of law for injury done him in his person, property, or reputation. —

Section 11. Rights of accused in criminal prosecution. In all criminal prosecutions, the accused shall have the right to public trial by an impartial jury in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor; provided, however, that any accused person, in other than capital cases, and with the consent of the trial judge, may elect to waive trial by jury and consent to be tried by the judge of the court alone, such election to be in writing; provided, however, that in the circuit court ten members of the jury may render a verdict of guilty or not guilty, save and except a ver-

dict of guilty of first degree murder, which shall be found only by a unanimous verdict, and not otherwise; provided further, that the existing laws and constitutional provisions relative to criminal prosecutions shall be continued and remain in effect as to all prosecutions for crimes committed before the taking effect of this amendment. [Constitution of 1859; Amendment proposed by S.J.R. No. 4, 1931, and adopted by people Nov. 8, 1932; Amendment proposed by S.J.R. No. 4, 1933 (2d s.s.), and adopted by people May 18, 1934]

Note: The lead line to section 11 was a part of the measure submitted to the people by S.J.R. No. 4, 1933 (2d s.s.).

Section 12. Double jeopardy; compulsory self-incrimination. No person shall be put in jeopardy twice for the same offence (sic), nor be compelled in any criminal prosecution to testify against himself. —

Section 13. Treatment of arrested or confined persons. No person arrested, or confined in jail, shall be treated with unnecessary rigor. —

Section 14. Bailable offenses. Offences (sic), except murder, and treason, shall be bailable by sufficient sureties. Murder or treason, shall not be bailable, when the proof is evident, or the presumption strong. —

Section 15. Reformation the basis of criminal law. Laws for the punishment of crime shall be founded on the principles of reformation, and not of vindictive justice. —

Section 16. Excessive bail and fines; cruel and unusual punishments; power of jury in criminal case. Excessive bail shall not be required, nor excessive fines imposed. Cruel and unusual punishments shall not be inflicted, but all penalties shall be proportioned to the offense.—In all criminal cases whatever, the jury shall have the right to determine the law, and the facts under the direction of the Court as to the law, and the right of new trial, as in civil cases.

Section 17. Jury trial in civil cases. In all civil cases the right of Trial by Jury shall remain inviolate. —

Section 18. Private property or services taken for public use. Private property shall not be taken for public use, nor the particular services of any man be demanded, without just compensation; nor except in the case of the state, without such compensation first assessed and tendered; provided, that the use of all roads, ways and waterways necessary to promote the transportation of the raw products of mine or farm or forest or water for beneficial use or drainage is necessary to the development and welfare of the state and is declared a public use. [Constitution of 1859; Amendment proposed by S.J.R. No. 17, 1919, and adopted by people May 21, 1920;

Amendment proposed by S.J.R. No. 8, 1923, and adopted by people Nov. 4, 1924]

Section 19. Imprisonment for debt. There shall be no imprisonment for debt, except in case of fraud or absconding debtors. —

Section 20. Equality of privileges and immunities of citizens. No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens. —

Section 21. Ex-post facto laws; laws impairing contracts; laws depending on authorization in order to take effect; laws submitted to electors. No ex-post facto law, or law impairing the obligation of contracts shall ever be passed, nor shall any law be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution; provided, that laws locating the Capitol of the State, locating County Seats, and submitting town, and corporate acts, and other local, and Special laws may take effect, or not, upon a vote of the electors interested. —

Section 22. Suspension of operation of laws. The operation of the laws shall never be suspended, except by the Authority of the Legislative Assembly.

Section 23. Habeas corpus. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion, or invasion the public safety require it. —

Section 24. Treason. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid or comfort.—No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open Court. —

Section 25. Corruption of blood or forfeiture of estate. No conviction shall work corruption of blood, or forfeiture of estate. —

Section 26. Assemblages of people; instruction of representatives; application to legislature. No law shall be passed restraining any of the inhabitants of the State from assembling together in a peaceable manner to consult for their common good; nor from instructing their Representatives; nor from applying to the Legislature for redress of grievances (sic). —

Section 27. Right to bear arms; military subordinate to civil power. The people shall have the right to bear arms for the defence (sic) of themselves, and the State, but the Military shall be kept in strict subordination to the civil power[.]

Section 28. Quartering soldiers. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, except in the manner prescribed by law.

Section 29. Titles of nobility; hereditary distinctions. No law shall be passed granting any title of Nobility, or conferring hereditary distinctions. —

Section 30. Emigration. No law shall be passed prohibiting emigration from the State. —

Section 31. Rights of aliens; immigration to state. [Constitution of 1859; repeal proposed by H.J.R. 16, 1969, and adopted by people May 26, 1970]

Section 32. Taxes and duties; uniformity of taxation. No tax or duty shall be imposed without the consent of the people or their representatives in the Legislative Assembly; and all taxation shall be uniform on the same class of subjects within the territorial limits of the authority levying the tax. [Constitution of 1859; Amendment proposed by H.J.R. No. 16, 1917, and adopted by people June 4, 1917]

Section 33. Enumeration of rights not exclusive. This enumeration of rights, and privileges shall not be construed to impair or deny others retained by the people. —

Section 34. Slavery or involuntary servitude. There shall be neither slavery, nor involuntary servitude in the State, otherwise than as a punishment for crime, whereof the party shall have been duly convicted. — [Added to Bill of Rights as unnumbered section by vote of people at time of adoption of the Oregon Constitution in accordance with section 4 of Article XVIII thereof]

Section 35. Free negroes and mulattoes. [Added to Bill of Rights as unnumbered section by vote of people at time of adoption of the Oregon Constitution in accordance with Section 4 of Article XVIII thereof; Repeal proposed by H.J.R. No. 8, 1925, and adopted by people Nov. 2, 1926]

Section 36. Liquor prohibition. [Created through initiative petition filed July 1, 1914, adopted by people Nov. 3, 1914; Repeal proposed by initiative petition filed March 20, 1933, and adopted by people July 21, 1933]

Section 36. Capital punishment abolished. [Created through initiative petition filed July 2, 1914, adopted by people Nov. 3, 1914; Repeal proposed by S.J.R. No. 8, 1920 (s.s.), and adopted by people May 21, 1920, as Const. Art. I, §38]

Note: At the general election in 1914 two sections, each designated as section 36, were created and added to the Constitution by separate initiative petitions. One of these sections was the prohibition section and the other abolished capital punishment.

Section 36a. Prohibition of importation of liquors. [Created through initiative petition filed July 6, 1916, adopted by people Nov. 7, 1916; Repeal proposed by initiative petition filed March 20, 1933, and adopted by people July 21, 1933]

Section 37. Penalty for murder in first degree. [Created through S.J.R. No. 8, 1920, adopted by people May 21, 1920; Repeal proposed by S.J.R. No. 3, 1963, and adopted by people Nov. 3, 1964]

Section 38. Laws abrogated by amendment abolishing death penalty revived. [Created through S.J.R. No. 8, 1920, adopted by people May 21, 1920; Repeal proposed by S.J.R. No. 3, 1963, and adopted by people Nov. 3, 1964]

Section 39. Sale of liquor by individual glass. The State shall have power to license private clubs, fraternal organizations, veterans' organizations, railroad corporations operating interstate trains and commercial establishments where food is cooked and served, for the purpose of selling alcoholic liquor by the individual glass at retail, for consumption on the premises, including mixed drinks and cocktails, compounded or mixed on the premises only. The Legislative Assembly shall provide in such detail as it shall deem advisable for carrying out and administering the provisions of this amendment and shall provide adequate safeguards to carry out the original intent and purpose of the Oregon Liquor Control Act, including the promotion of temperance in the use and consumption of alcoholic beverages, encourage the use and consumption of lighter beverages and aid in the establishment of Oregon industry. This power is subject to the following:

(1) The provisions of this amendment shall take effect and be in operation sixty (60) days after the approval and adoption by the people of Oregon; provided, however, the right of a local option election exists in the counties and in any incorporated city or town containing a population of at least five hundred (500). The Legislative Assembly shall prescribe a means and a procedure by which the voters of any county or incorporated city or town as limited above in any county, may through a local option election determine whether to prohibit or permit such power, and such procedure shall specifically include that whenever fifteen per cent (15%) of the registered voters of any county in the state or of any incorporated city or town as limited above, in any county in the state, shall file a petition requesting an election in this matter, the question shall be voted upon at the next regular November biennial election, provided said petition is filed not less than sixty (60) days before the day of election.

(2) Legislation relating to this matter shall operate uniformly throughout the state and all individuals shall be treated equally; and all provisions shall be liberally construed for the accomplishment of these purposes. [Created through initiative petition filed July 2, 1952, adopted by people Nov. 4, 1952]

Section 40. Penalty for aggravated murder. Notwithstanding sections 15 and 16 of this Article, the penalty for aggravated murder as defined by law shall be death upon unanimous affirmative jury findings as pro-

vided by law and otherwise shall be life imprisonment with minimum sentence as provided by law. [Created through initiative petition filed July 6, 1983, adopted by people Nov. 6, 1984]

**ARTICLE II
SUFFRAGE AND ELECTIONS**

- Sec. 1. Elections free
- 2. Qualifications of electors
- 3. Rights of certain electors
- 4. Residence
- 5. Soldiers, seamen and marines; residence; right to vote
- 7. Bribery at elections
- 8. Regulation of elections
- 9. Penalty for dueling
- 10. Lucrative offices; holding other offices forbidden
- 11. When collector or holder of public moneys ineligible to office
- 12. Temporary appointments to office
- 13. Privileges of electors
- 14. Time of holding elections and assuming duties of office
- 14a. Time of holding elections in incorporated cities and towns
- 15. Method of voting in legislature
- 16. Election by plurality; proportional representation
- 17. Place of voting
- 18. Recall; meaning of words "the legislative assembly shall provide"

Section 1. Elections free. All elections shall be free and equal. —

Section 2. Qualifications of electors.

(1) Every citizen of the United States is entitled to vote in all elections not otherwise provided for by this Constitution if such citizen:

(a) Is 18 years of age or older;

(b) Has resided in this state during the six months immediately preceding the election, except that provision may be made by law to permit a person who has resided in this state less than 30 days immediately preceding the election, but who is otherwise qualified under this subsection, to vote in the election for candidates for nomination or election for President or Vice President of the United States or elector of President and Vice President of the United States; and

(c) Is registered not less than 20 calendar days immediately preceding any election in the manner provided by law.

(2) Except as otherwise provided in section 6, Article VIII of this Constitution with respect to the qualifications of voters in all school district elections, provision may be made by law to require that persons who vote upon questions of levying special taxes or issuing public bonds shall be taxpayers. [Constitution of 1859; Amendment proposed by initiative petition filed Dec. 20, 1910, and adopted by people Nov. 5, 1912; Amendment proposed by S.J.R. No. 6, 1913, and adopted by people Nov. 3, 1914; Amendment proposed

by S.J.R. No. 6, 1923, and adopted by people Nov. 4, 1924; Amendment proposed by H.J.R. No. 7, 1927, and adopted by people June 28, 1927; Amendment proposed by H.J.R. No. 5, 1931, and adopted by people Nov. 8, 1932; Amendment proposed by H.J.R. No. 26, 1959, and adopted by people Nov. 8, 1960; Amendment proposed by H.J.R. No. 41, 1973, and adopted by people Nov. 5, 1974; Amendment proposed by initiative petition filed July 20, 1986, and adopted by people Nov. 4, 1986]

Section 3. Rights of certain electors.

A person suffering from a mental handicap is entitled to the full rights of an elector, if otherwise qualified, unless the person has been adjudicated incompetent to vote as provided by law. The privilege of an elector, upon conviction of any crime which is punishable by imprisonment in the penitentiary, shall be forfeited, unless otherwise provided by law. [Constitution of 1859; Amendment proposed by S.J.R. No. 9, 1943, and adopted by people Nov. 7, 1944; Amendment proposed by S.J.R. No. 26, 1979, and adopted by people Nov. 4, 1980]

Section 4. Residence. For the purpose of voting, no person shall be deemed to have gained, or lost a residence, by reason of his presence, or absence while employed in the service of the United States, or of this State; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any Seminary of Learning; nor while kept at any alms house, or other assylum (sic), at public expence (sic); nor while confined in any public prison. —

Section 5. Soldiers, seamen and marines; residence; right to vote. No soldier, seaman, or marine in the Army, or Navy of the United States, or of their allies, shall be deemed to have acquired a residence in the state, in consequence of having been stationed within the same; nor shall any such soldier, seaman, or marine have the right to vote. —

Section 6. Negroes, Chinamen and mulattoes. [Constitution of 1859; Repeal proposed by H.J.R. No. 4, 1927, and adopted by people June 28, 1927]

Section 7. Bribery at elections. Every person shall be disqualified from holding office, during the term for which he may have been elected, who shall have given, or offered a bribe, threat, or reward to procure his election. —

Section 8. Regulation of elections. The Legislative Assembly shall enact laws to support the privilege of free suffrage, prescribing the manner of regulating, and conducting elections, and prohibiting under adequate penalties, all undue influence therein, from power, bribery, tumult, and other improper conduct. —

Section 9. Penalty for dueling. Every person who shall give, or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or who

shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust, or profit. —

Section 10. Lucrative offices; holding other offices forbidden. No person holding a lucrative office, or appointment under the United States, or under this State, shall be eligible to a seat in the Legislative Assembly; nor shall any person hold more than one lucrative office at the same time, except as in this Constitution (sic) expressly permitted; Provided, that Officers in the Militia, to which there is attached no annual salary, and the Office of Post Master, where the compensation does not exceed One Hundred Dollars per annum, shall not be deemed lucrative. —

Section 11. When collector or holder of public moneys ineligible to office. No person who may hereafter be a collector, or holder of public moneys, shall be eligible to any office of trust or profit, until he shall have accounted for, and paid over according to law, all sums for which he may be liable. —

Section 12. Temporary appointments to office. In all cases, in which it is provided that an office shall not be filled by the same person, more than a certain number of years continuously, an appointment *pro tempore* shall not be reckoned a part of that term. —

Section 13. Privileges of electors. In all cases, except treason, felony, and breach of the peace, electors shall be free from arrest in going to elections, during their attendance there, and in returning from the same; and no elector shall be obliged to do duty in the Militia on any day of election, except in time of war, or public danger. —

Section 14. Time of holding elections and assuming duties of office. The regular general biennial election in Oregon for the year A. D. 1910 and thereafter shall be held on the first Tuesday after the first Monday in November. All officers except the Governor, elected for a six year term in 1904 or for a four year term in 1906 or for a two year term in 1908 shall continue to hold their respective offices until the first Monday in January, 1911; and all officers, except the Governor elected at any regular general biennial election after the adoption of this amendment shall assume the duties of their respective offices on the first Monday in January following such election. All laws pertaining to the nomination of candidates, registration of voters and all other things incident to the holding of the regular biennial election shall be enforced and be effected the same number of days before the first Tuesday after the first Monday in November that they have heretofore been before

the first Monday in June biennially, except as may hereafter be provided by law. [Constitution of 1859; Amendment proposed by H.J.R. No. 7, 1907, and adopted by people June 1, 1908]

Section 14a. Time of holding elections in incorporated cities and towns. Incorporated cities and towns shall hold their nominating and regular elections for their several elective officers at the same time that the primary and general biennial elections for State and county officers are held, and the election precincts and officers shall be the same for all elections held at the same time. All provisions of the charters and ordinances of incorporated cities and towns pertaining to the holding of elections shall continue in full force and effect except so far as they relate to the time of holding such elections. Every officer who, at the time of the adoption of this amendment, is the duly qualified incumbent of an elective office of an incorporated city or town shall hold his office for the term for which he was elected and until his successor is elected and qualified. The Legislature, and cities and towns, shall enact such supplementary legislation as may be necessary to carry the provisions of this amendment into effect. [Created through H.J.R. No. 22, 1917, adopted by people June 4, 1917]

Section 15. Method of voting in legislature. In all elections by the Legislative Assembly, or by either branch thereof, votes shall be given openly or viva voce, and not by ballot, forever; and in all elections by the people, votes shall be given openly, or viva voce, until the Legislative Assembly shall otherwise direct. —

Section 16. Election by plurality; proportional representation. In all elections authorized by this constitution until otherwise provided by law, the person or persons receiving the highest number of votes shall be declared elected, but provision may be made by law for elections by equal proportional representation of all the voters for every office which is filled by the election of two or more persons whose official duties, rights and powers are equal and concurrent. Every qualified elector resident in his precinct and registered as may be required by law, may vote for one person under the title for each office. Provision may be made by law for the voter's direct or indirect expression of his first, second or additional choices among the candidates for any office. For an office which is filled by the election of one person it may be required by law that the person elected shall be the final choice of a majority of the electors voting for candidates for that office. These principles may be applied by law to nominations by political parties and organizations. [Constitution of 1859; Amendment proposed by initiative petition filed January 29, 1908, and adopted by people June 1, 1908]

Section 17. Place of voting. All qualified electors shall vote in the election precinct in the County where they may reside, for County Officers, and in any County in the State for State Officers, or in any County of a Congressional District in which such electors may reside, for Members of Congress. —

Section 18. Recall; meaning of words "the legislative assembly shall provide."

(1) Every public officer in Oregon is subject, as herein provided, to recall by the electors of the state or of the electoral district from which the public officer is elected.

(2) Fifteen per cent, but not more, of the number of electors who voted for Governor in the officer's electoral district at the most recent election at which a candidate for Governor was elected to a full term, may be required to file their petition demanding the officer's recall by the people.

(3) They shall set forth in the petition the reasons for the demand.

(4) If the public officer offers to resign, the resignation shall be accepted and take effect on the day it is offered, and the vacancy shall be filled as may be provided by law. If the public officer does not resign within five days after the petition is filed, a special election shall be ordered to be held within 35 days in the electoral district to determine whether the people will recall the officer.

(5) On the ballot at the election shall be printed in not more than 200 words the reasons for demanding the recall of the officer as set forth in the recall petition, and, in not more than 200 words, the officer's justification of the officer's course in office. The officer shall continue to perform the duties of office until the result of the special election is officially declared. If an officer is recalled from any public office the vacancy shall be filled immediately in the manner provided by law for filling a vacancy in that office arising from any other cause.

(6) The recall petition shall be filed with the officer with whom a petition for nomination to such office should be filed, and the same officer shall order the special election when it is required. No such petition shall be circulated against any officer until the officer has actually held the office six months, save and except that it may be filed against a senator or representative in the legislative assembly at any time after five days from the beginning of the first session after the election of the senator or representative.

(7) After one such petition and special election, no further recall petition shall be filed against the same officer during the term

for which the officer was elected unless such further petitioners first pay into the public treasury which has paid such special election expenses, the whole amount of its expenses for the preceding special election.

(8) Such additional legislation as may aid the operation of this section shall be provided by the legislative assembly, including provision for payment by the public treasury of the reasonable special election campaign expenses of such officer. But the words, "the legislative assembly shall provide," or any similar or equivalent words in this constitution or any amendment thereto, shall not be construed to grant to the legislative assembly any exclusive power of lawmaking nor in any way to limit the initiative and referendum powers reserved by the people. [Created through initiative petition filed Jan. 29, 1908, adopted by people June 1, 1908; Amendment proposed by S.J.R. No. 16, 1925, and adopted by people Nov. 2, 1926; amendment proposed by H.J.R. No. 1, 1983, and adopted by people Nov. 6, 1984]

Note: The word "Recall" constituted the lead line to section 18 and was a part of the measure submitted to the people by S.J.R. No. 16, 1925.

ARTICLE III DISTRIBUTION OF POWERS

- Sec. 1. Separation of powers
2. Budgetary control over executive and administrative officers and agencies
3. Joint legislative committee to allocate emergency fund appropriations and to authorize expenditures beyond budgetary limits
4. Senate, confirmation of executive appointments

Section 1. Separation of powers. The powers of the Government shall be divided into three separate (sic) departments, the Legislative, the Executive, including the administrative, and the Judicial; and no person charged with official duties under one of these departments, shall exercise any of the functions of another, except as in this Constitution expressly provided. —

Section 2. Budgetary control over executive and administrative officers and agencies. The Legislative Assembly shall have power to establish an agency to exercise budgetary control over all executive and administrative state officers, departments, boards, commissions and agencies of the State Government. [Created through S.J.R. No. 24, 1951, adopted by people Nov. 4, 1952]

Note: Section 2 was designated as "Sec. 1" by S.J.R. No. 24, 1951, adopted by people Nov. 4, 1952.

Section 3. Joint legislative committee to allocate emergency fund appropriations and to authorize expenditures beyond budgetary limits. (1) The Legislative Assembly is authorized to establish by law a joint committee composed of members of

both houses of the Legislative Assembly, the membership to be as fixed by law, which committee may exercise, during the interim between sessions of the Legislative Assembly, such of the following powers as may be conferred upon it by law:

(a) Where an emergency exists, to allocate to any state agency, out of any emergency fund that may be appropriated to the committee for that purpose, additional funds beyond the amount appropriated to the agency by the Legislative Assembly, or funds to carry on an activity required by law for which an appropriation was not made.

(b) Where an emergency exists, to authorize any state agency to expend, from funds dedicated or continuously appropriated for the uses and purposes of the agency, sums in excess of the amount of the budget of the agency as approved in accordance with law.

(c) In the case of a new activity coming into existence at such a time as to preclude the possibility of submitting a budget to the Legislative Assembly for approval, to approve, or revise and approve, a budget of the money appropriated for such new activity.

(d) Where an emergency exists, to revise or amend the budgets of state agencies to the extent of authorizing transfers between expenditure classifications within the budget of an agency.

(2) The Legislative Assembly shall prescribe by law what shall constitute an emergency for the purposes of this section.

(3) As used in this section, "state agency" means any elected or appointed officer, board, commission, department, institution, branch or other agency of the state government.

(4) The term of members of the joint committee established pursuant to this section shall run from the adjournment of one regular session to the organization of the next regular session. No member of a committee shall cease to be such member solely by reason of the expiration of his term of office as a member of the Legislative Assembly. [Created through S.J.R. No. 24, 1951, adopted by people Nov. 4, 1952]

Note: Section 3 was designated as "Sec. 2" by S.J.R. No. 24, 1951, adopted by people Nov. 4, 1952.

Section 4. Senate confirmation of executive appointments. (1) The Legislative Assembly in the manner provided by law may require that all appointments and reappointments to state public office made by the Governor shall be subject to confirmation by the Senate.

(2) The appointee shall not be eligible to serve until confirmed in the manner required

by law and if not confirmed in that manner, shall not be eligible to serve in the public office.

(3) In addition to appointive offices, the provisions of this section shall apply to any state elective office when the Governor is authorized by law or this Constitution to fill any vacancy therein, except the office of judge of any court, United States Senator or Representative and a district, county or precinct office. [Created through S. J. R. 20, 1977, adopted by people Nov. 7, 1978]

**ARTICLE IV
LEGISLATIVE DEPARTMENT**

- Sec. 1. Legislative power; initiative and referendum
- 2. Number of Senators and Representatives
- 3. How Senators and Representatives chosen; filling vacancies
- 4. Term of office of legislators; classification of Senators
- 6. Apportionment of Senators and Representatives
- 7. Senatorial districts; senatorial and representative subdistricts
- 8. Qualification of Senators and Representatives
- 9. Legislators free from arrest and not subject to civil process in certain cases; words uttered in debate
- 10. Regular sessions of the Legislative Assembly
- 10a. Emergency sessions of the Legislative Assembly
- 11. Legislative officers; rules of proceedings; adjournments
- 12. Quorum; failure to effect organization
- 13. Journal; when yeas and nays to be entered
- 14. Deliberations to be open; rules to implement requirement
- 15. Punishment and expulsion of members
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- 18. Where bills to originate
- 19. Reading of bills; vote on final passage
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- 21. Acts to be plainly worded
- 22. Mode of revision and amendment
- 23. Certain local and special laws prohibited
- 24. Suit against state
- 25. Majority necessary to pass bills and resolutions; signatures of presiding officers required
- 26. Protest by member
- 27. All statutes public laws; exceptions
- 28. When Act takes effect
- 29. Compensation of members
- 30. Members not eligible to other offices
- 31. Oath of members
- 32. Income tax defined by federal law; review of tax laws required

Section 1. Legislative power; initiative and referendum. (1) The legislative power of the state, except for the initiative and referendum powers reserved to the people, is vested in a Legislative Assembly, consisting of a Senate and a House of Representatives.

(2)(a) The people reserve to themselves the initiative power, which is to propose laws and amendments to the Constitution and en-

act or reject them at an election independently of the Legislative Assembly.

(b) An initiative law may be proposed only by a petition signed by a number of qualified voters equal to six percent of the total number of votes cast for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition.

(c) An initiative amendment to the Constitution may be proposed only by a petition signed by a number of qualified voters equal to eight percent of the total number of votes cast for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition.

(d) An initiative petition shall include the full text of the proposed law or amendment to the Constitution. A proposed law or amendment to the Constitution shall embrace one subject only and matters properly connected therewith.

(e) An initiative petition shall be filed not less than four months before the election at which the proposed law or amendment to the Constitution is to be voted upon.

(3)(a) The people reserve to themselves the referendum power, which is to approve or reject at an election any Act, or part thereof, of the Legislative Assembly that does not become effective earlier than 90 days after the end of the session at which the Act is passed.

(b) A referendum on an Act or part thereof may be ordered by a petition signed by a number of qualified voters equal to four percent of the total number of votes cast for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition. A referendum petition shall be filed not more than 90 days after the end of the session at which the Act is passed.

(c) A referendum on an Act may be ordered by the Legislative Assembly by law. Notwithstanding section 15b, Article V of this Constitution, bills ordering a referendum and bills on which a referendum is ordered are not subject to veto by the Governor.

(4)(a) Petitions or orders for the initiative or referendum shall be filed with the Secretary of State. The Legislative Assembly shall provide by law for the manner in which the Secretary of State shall determine whether a petition contains the required number of signatures of qualified voters. The Secretary of State shall complete the verification process within the 15-day period after the last day on which the petition may be filed as

provided in paragraph (e) of subsection (2) or paragraph (b) of subsection (3) of this section.

(b) Initiative and referendum measures shall be submitted to the people as provided in this section and by law not inconsistent therewith.

(c) All elections on initiative and referendum measures shall be held at the regular general elections, unless otherwise ordered by the Legislative Assembly.

(d) Notwithstanding section 1, Article XVII of this Constitution, an initiative or referendum measure becomes effective 30 days after the day on which it is enacted or approved by a majority of the votes cast thereon. A referendum ordered by petition on a part of an Act does not delay the remainder of the Act from becoming effective.

(5) The initiative and referendum powers reserved to the people by subsections (2) and (3) of this section are further reserved to the qualified voters of each municipality and district as to all local, special and municipal legislation of every character in or for their municipality or district. The manner of exercising those powers shall be provided by general laws, but cities may provide the manner of exercising those powers as to their municipal legislation. In a city, not more than 15 percent of the qualified voters may be required to propose legislation by the initiative, and not more than 10 percent of the qualified voters may be required to order a referendum on legislation. [Created through H.J.R. No. 16, 1967, adopted by people May 28, 1968 (this section adopted in lieu of former sections 1 and 1a of this Article); Amendment proposed by S.J.R. 27, 1985, and adopted by people May 20, 1986]

Section 1. Legislative authority vested in assembly; initiative and referendum; style of bills. [Constitution of 1859; Amendment proposed by H.J.R. No. 1, 1901, and adopted by people June 2, 1902; Amendment proposed by S.J.R. No. 6, 1953, and adopted by people Nov. 2, 1954; Repeal proposed by H.J.R. No. 16, 1967, and adopted by people May 28, 1968 (present section 1 of this Article adopted in lieu of this section)]

Section 1a. Initiative and referendum on parts of laws and on local, special and municipal laws. [Created through initiative petition filed Feb. 3, 1906, adopted by people June 4, 1906; Repeal proposed by H.J.R. No. 16, 1967, and adopted by people May 28, 1968 (present section 1 of this Article adopted in lieu of this section)]

Section 2. Number of Senators and Representatives. The Senate shall consist of sixteen, and the House of Representatives of thirty four members, which number shall not be increased until the year Eighteen Hundred and Sixty, after which time the Legislative Assembly may increase the number of Senators and Representatives, always keeping as near as may be the same ratio as to the number of Senators, and Representatives: Provided that the Senate shall never

exceed thirty and the House of Representatives sixty members. —

Section 3. How Senators and Representatives chosen; filling vacancies. The senators and representatives shall be chosen by the electors of the respective counties or districts or subdistricts within a county or district into which the state may from time to time be divided by law. If a vacancy in the office of senator or representative from any county or district or subdistrict shall occur, such vacancy shall be filled as may be provided by law. [Constitution of 1859; Amendment proposed by S.J.R. No. 20, 1929, and adopted by people Nov. 4, 1930; Amendment proposed by H.J.R. No. 20, 1953, and adopted by people Nov. 2, 1954]

Section 4. Term of office of legislators; classification of Senators. (1) The Senators shall be elected for the term of four years, and Representatives for the term of two years. The term of each Senator and Representative shall commence on the second Monday in January following his election, and shall continue for the full period of four years or two years, as the case may be, unless a different commencing day for such terms shall have been appointed by law.

(2) The Senators shall continue to be divided into two classes, in accordance with the division by lot provided for under the former provisions of this Constitution, so that one-half, as nearly as possible, of the number of Senators shall be elected biennially.

(3) Any Senator or Representative whose term, under the former provisions of this section, would have expired on the first Monday in January 1961, shall continue in office until the second Monday in January 1961. [Constitution of 1859; Amendment proposed by S.J.R. No. 23, 1951, and adopted by people Nov. 4, 1952; Amendment proposed by S.J.R. No. 28, 1959, and adopted by people Nov. 8, 1960]

Section 5. Census. [Constitution of 1959; Repeal proposed by H.J.R. No. 16, 1971, and adopted by people May 23, 1972]

Section 6. Apportionment of Senators and Representatives. [Constitution of 1859; Amendment proposed by initiative petition filed July 3, 1952, and adopted by people Nov. 4, 1952; repeal proposed by H.J.R. 6, 1985, and adopted by people Nov. 4, 1986 (present section 6 of this Article adopted in lieu of this section)]

Section 6. Apportionment of Senators and Representatives. (1) At the regular session of the Legislative Assembly next following an enumeration of the inhabitants by the United States Government, the number of Senators and Representatives shall be fixed by law and apportioned among legislative districts according to population. A senatorial district shall consist of two

representative districts. Any Senator whose term continues through the next regular legislative session after the effective date of the reapportionment shall be specifically assigned to a senatorial district. The ratio of Senators and Representatives, respectively, to population shall be determined by dividing the total population of the state by the number of Senators and by the number of Representatives. A reapportionment by the Legislative Assembly shall become operative no sooner than September 1 of the year of reapportionment.

(2) This subsection governs judicial review and correction of a reapportionment enacted by the Legislative Assembly.

(a) Original jurisdiction is vested in the Supreme Court, upon the petition of any elector of the state filed with the Supreme Court on or before August 1 of the year in which the Legislative Assembly enacts a reapportionment, to review any reapportionment so enacted.

(b) If the Supreme Court determines that the reapportionment thus reviewed complies with subsection (1) of this section and all law applicable thereto, it shall dismiss the petition by written opinion on or before September 1 of the same year and the reapportionment shall become operative on September 1.

(c) If the Supreme Court determines that the reapportionment does not comply with subsection (1) of this section and all law applicable thereto, the reapportionment shall be void. In its written opinion, the Supreme Court shall specify with particularity wherein the reapportionment fails to comply. The opinion shall further direct the Secretary of State to draft a reapportionment of the Senators and Representatives in accordance with the provisions of subsection (1) of this section and all law applicable thereto. The Supreme Court shall file its order with the Secretary of State on or before September 15. The Secretary of State shall conduct a hearing on the reapportionment at which the public may submit evidence, views and argument. The Secretary of State shall cause a transcription of the hearing to be prepared which, with the evidence, shall become part of the record. The Secretary of State shall file the corrected reapportionment with the Supreme Court on or before November 1 of the same year.

(d) On or before November 15, the Supreme Court shall review the corrected reapportionment to assure its compliance with subsection (1) of this section and all law applicable thereto and may further correct the reapportionment if the court considers correction to be necessary.

(c) The corrected reapportionment shall become operative upon November 15.

(3) This subsection governs enactment, judicial review and correction of a reapportionment if the Legislative Assembly fails to enact any reapportionment by July 1 of the year of the regular session of the Legislative Assembly next following an enumeration of the inhabitants by the United States Government.

(a) The Secretary of State shall make a reapportionment of the Senators and Representatives in accordance with the provisions of subsection (1) of this section and all law applicable thereto. The Secretary of State shall conduct a hearing on the reapportionment at which the public may submit evidence, views and argument. The Secretary of State shall cause a transcription of the hearing to be prepared which, with the evidence, shall become part of the record. The reapportionment so made shall be filed with the Supreme Court by August 15 of the same year. It shall become operative on September 15.

(b) Original jurisdiction is vested in the Supreme Court upon the petition of any elector of the state filed with the Supreme Court on or before September 15 of the same year to review any reapportionment and the record made by the Secretary of State.

(c) If the Supreme Court determines that the reapportionment thus reviewed complies with subsection (1) of this section and all law applicable thereto, it shall dismiss the petition by written opinion on or before October 15 of the same year and the reapportionment shall become operative on October 15.

(d) If the Supreme Court determines that the reapportionment does not comply with subsection (1) of this section and all law applicable thereto, the reapportionment shall be void. The Supreme Court shall return the reapportionment by November 1 to the Secretary of State accompanied by a written opinion specifying with particularity wherein the reapportionment fails to comply. The opinion shall further direct the Secretary of State to correct the reapportionment in those particulars, and in no others, and file the corrected reapportionment with the Supreme Court on or before December 1 of the same year.

(e) On or before December 15, the Supreme Court shall review the corrected reapportionment to assure its compliance with subsection (1) of this section and all law applicable thereto and may further correct the reapportionment if the court considers correction to be necessary.

(f) The reapportionment shall become operative on December 15.

(4) Any reapportionment that becomes operative as provided in this section is a law of the state except for purposes of initiative and referendum. A reapportionment shall not be operative before the date on which an appeal may be taken therefrom or before the date specified in this section, whichever is later.

(5) Notwithstanding section 18, Article II of this Constitution, after the convening of the next regular legislative session following the reapportionment, a Senator whose term continues through that legislative session is subject to recall by the electors of the district to which the Senator is assigned and not by the electors of the district existing before the latest reapportionment. The number of signatures required on the recall petition is 15 percent of the total votes cast for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term in the two representative districts comprising the senatorial district to which the Senator was assigned. [Created through H.J.R. 6, 1985, adopted by people Nov. 4, 1986 (this section adopted in lieu of former section 6 of this Article)]

Section 7. Senatorial districts; senatorial and representative subdistricts. A senatorial district, when more than one county shall constitute the same, shall be composed of contiguous counties, and no county shall be divided in creating such senatorial districts. Senatorial or representative districts comprising not more than one county may be divided into subdistricts from time to time by law. Subdistricts shall be composed of contiguous territory within the district; and the ratios to population of senators or representatives, as the case may be, elected from the subdistricts, shall be substantially equal within the district. [Constitution of 1859; Amendment proposed by H.J.R. No. 20, 1953, and adopted by people Nov. 2, 1954]

Section 8. Qualification of Senators and Representatives. No person shall be a Senator or Representative who at the time of election is not a citizen of the United States; nor anyone who has not been for one year next preceding the election an inhabitant of the district from which the Senator or Representative may be chosen. However, for purposes of the general election next following the operative date of an apportionment under section 6 of this Article, the person must have been an inhabitant of the district from January 1 of the year following the reapportionment to the date of the election. Senators and Representatives shall be at least twenty one years of age. [Amendment proposed by H.J.R. 6, 1985, and adopted by people Nov. 4, 1986]

Section 9. Legislators free from arrest and not subject to civil process in certain

cases; words uttered in debate. Senators and Representatives in all cases, except for treason, felony, or breaches of the peace, shall be privileged from arrest during the session of the Legislative Assembly, and in going to and returning from the same; and shall not be subject to any civil process during the session of the Legislative Assembly, nor during the fifteen days next before the commencement thereof; Nor shall a member for words uttered in debate in either house, be questioned in any other place. —

Section 10. Regular sessions of the Legislative Assembly. The sessions of the Legislative Assembly shall be held biennially at the Capitol of the State commencing on the second Monday of September, in the year eighteen hundred and fifty eight, and on the same day of every second year thereafter, unless a different day shall have been appointed by law. —

Section 10a. Emergency sessions of the Legislative Assembly. In the event of an emergency the Legislative Assembly shall be convened by the presiding officers of both Houses at the Capitol of the State at times other than required by section 10 of this Article upon the written request of the majority of the members of each House to commence within five days after receipt of the minimum requisite number of requests. [Created through H.J.R. No. 28, 1975, and adopted by the people Nov. 2, 1976]

Section 11. Legislative officers; rules of proceedings; adjournments. Each house when assembled, shall choose its own officers, judge of the election, qualifications, and returns of its own members; determine its own rules of proceeding, and sit upon its own adjournments; but neither house shall without the concurrence of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting. —

Section 12. Quorum; failure to effect organization. Two thirds of each house shall constitute a quorum to do business, but a smaller number may meet; adjourn from day to day, and compel the attendance of absent members. A quorum being in attendance, if either house fail to effect an organization within the first five days thereafter, the members of the house so failing shall be entitled to no compensation from the end of the said five days until an organization shall have been effected. —

Section 13. Journal; when yeas and nays to be entered. Each house shall keep a journal of its proceedings.—The yeas and nays on any question, shall at the request of any two members, be entered, together with the names of the members demanding the same, on the journal; provided that on a mo-

tion to adjourn it shall require one tenth of the members present to order the yeas, and nays.

Section 14. Deliberations to be open; rules to implement requirement. The deliberations of each house, of committees of each house or joint committees and of committees of the whole, shall be open. Each house shall adopt rules to implement the requirement of this section and the houses jointly shall adopt rules to implement the requirements of this section in any joint activity that the two houses may undertake. [Amendment proposed by S.J.R. No. 36, 1973, and adopted by people Nov. 5, 1974; Amendment proposed by H. J. R. No. 29, 1977, and adopted by people May 23, 1978]

Section 15. Punishment and expulsion of members. Either house may punish its members for disorderly behavior, and may with the concurrence of two thirds, expel a member; but not a second time for the same cause. —

Section 16. Punishment of nonmembers. Either house, during its session, may punish by imprisonment, any person, not a member, who shall have been guilty of disrespect to the house by disorderly or contemptuous (sic) behavior in its presence, but such imprisonment shall not at any time, exceed twenty (sic) twenty four hours. —

Section 17. General powers of Legislative Assembly. Each house shall have all powers necessary for a branch of the Legislative Department, of a free, and independant (sic) State. —

Section 18. Where bills to originate. Bills may originate in either house, but may be amended, or rejected in the other; except that bills for raising revenue shall originate in the House of Representatives. —

Section 19. Reading of bills; vote on final passage. Every bill shall be read by title only on three several days, in each house, unless in case of emergency two-thirds of the house where such bill may be pending shall, by a vote of yeas and nays, deem it expedient to dispense with this rule; provided, however, on its final passage such bill shall be read section by section unless such requirement be suspended by a vote of two-thirds of the house where such bill may be pending, and the vote on the final passage of every bill or joint resolution shall be taken by yeas and nays. [Constitution of 1859; Amendment proposed by S.J.R. No. 15, 1945, and adopted by people Nov. 5, 1946]

Section 20. Subject and title of Act. Every Act shall embrace but one subject, and matters properly connected therewith, which subject shall be expressed in the title. But if any subject shall be embraced in an Act

which shall not be expressed in the title, such Act shall be void only as to so much thereof as shall not be expressed in the title.

This section shall not be construed to prevent the inclusion in an amendatory Act, under a proper title, of matters otherwise germane to the same general subject, although the title or titles of the original Act or Acts may not have been sufficiently broad to have permitted such matter to have been so included in such original Act or Acts, or any of them. [Constitution of 1859; Amendment proposed by S.J.R. No. 41, 1951, and adopted by people Nov. 4, 1952]

Section 21. Acts to be plainly worded. Every act, and joint resolution shall be plainly worded, avoiding as far as practicable the use of technical terms. —

Section 22. Mode of revision and amendment. No act shall ever be revised, or amended by mere reference to its title, but the act revised, or section amended shall be set forth, and published at full length. However, if, at any session of the Legislative Assembly, there are enacted two or more acts amending the same section, each of the acts shall be given effect to the extent that the amendments do not conflict in purpose. If the amendments conflict in purpose, the act last signed by the Governor shall control. [Constitution of 1859; Amendment proposed by S.J.R. No. 28, 1975, and adopted by people Nov. 2, 1976]

Section 23. Certain local and special laws prohibited. The Legislative Assembly, shall not pass special or local laws, in any of the following enumerated cases, that is to say: —

Regulating the jurisdiction, and duties of justices of the peace, and of constables;

For the punishment of Crimes, and Misdemeanors;

Regulating the practice in Courts of Justice;

Providing for changing the venue in civil, and Criminal cases;

Granting divorces;

Changing the names of persons;

For laying, opening, and working on highways, and for the election, or appointment of supervisors;

Vacating roads, Town plats, Streets, Alleys, and Public squares;

Summoning and empanneling (sic) grand, and petit jurors;

For the assessment and collection of Taxes, for State, County, Township, or road purposes;

Providing for supporting Common schools, and for the preservation of school funds;

In relation to interest on money;

Providing for opening, and conducting the elections of State, County, and Township officers, and designating the places of voting;

Providing for the sale of real estate, belonging to minors, or other persons laboring under legal disabilities, by executors, administrators, guardians, or trustees. —

Section 24. Suit against state. Provision may be made by general law, for bringing suit against the State, as to all liabilities originating after, or existing at the time of the adoption of this Constitution; but no special act authorizing (sic) such suit to be brought, or making compensation to any person claiming damages against the State, shall ever be passed. —

Section 25. Majority necessary to pass bills and resolutions; signatures of presiding officers required. A majority of all the members elected to each House shall be necessary to pass every bill, or Joint resolution; and all bills, and Joint resolutions so passed, shall be signed by the presiding officers of the respective houses. —

Section 26. Protest by member. Any member of either house, shall have the right to protest, and have his protest, with his reasons for dissent, entered on the journal. —

Section 27. All statutes public laws; exceptions. Every Statute shall be a public law, unless otherwise declared in the Statute itself. —

Section 28. When Act takes effect. No act shall take effect, until ninety days from the end of the session at which the same shall have been passed, except in case of emergency; which emergency shall be declared in the preamble, or in the body of the law.

Section 29. Compensation of members. The members of the Legislative Assembly shall receive for their services a salary to be established and paid in the same manner as the salaries of other elected state officers and employes. [Constitution of 1859; Amendment proposed by S.J.R. No. 3, 1941, and adopted by people Nov. 3, 1942; Amendment proposed by H.J.R. No. 5, 1949, and adopted by people Nov. 7, 1950; Amendment proposed by H.J.R. No. 8, 1961, and adopted by people May 18, 1962]

Section 30. Members not eligible to other offices. No Senator or Representative shall, during the time for which he may have been elected, be eligible to any office the election to which is vested in the Legislative Assembly; nor shall be appointed to any civil office of profit which shall have been created, or the emoluments of which shall have been increased during such term; but this

latter provision shall not be construed to apply to any officer elective by the people. —

Section 31. Oath of members. The members of the Legislative Assembly shall before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation;—I do solemnly swear (or affirm as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully discharge the duties of Senator (or Representative as the case may be) according to the best of my Ability, And such oath may be administered by the Governor (sic), Secretary of State, or a judge of the Supreme Court. —

Section 32. Income tax defined by federal law; review of tax laws required. Notwithstanding any other provision of this Constitution, the Legislative Assembly, in any law imposing a tax or taxes on, in respect to or measured by income, may define the income on, in respect to or by which such tax or taxes are imposed or measured, by reference to any provision of the laws of the United States as the same may be or become effective at any time or from time to time, and may prescribe exceptions or modifications to any such provisions. At each regular session the Legislative Assembly shall, and at any special session may, provide for a review of the Oregon laws imposing a tax upon or measured by income, but no such laws shall be amended or repealed except by a legislative Act. [Created through H.J.R. 3, 1969, and adopted by people Nov. 3, 1970]

**ARTICLE V
EXECUTIVE DEPARTMENT**

- Sec. 1. Governor as chief executive; term of office; period of eligibility
- 2. Qualifications of Governor
- 3. Who not eligible
- 4. Election of Governor
- 5. Greatest number of votes decisive; election by legislature in case of tie
- 6. Contested elections
- 7. Term of office
- 8a. Vacancy in office of Governor
- 9. Governor as commander in chief of state military forces
- 10. Governor to see laws executed
- 11. Recommendations to legislature
- 12. Governor may convene legislature
- 13. Transaction of governmental business
- 14. Reprieves, commutations and pardons; remission of fines and forfeitures
- 15a. Single item and emergency clause veto
- 15b. Legislative enactments; approval by Governor; notice of intention to disapprove; disapproval and reconsideration by legislature; failure of Governor to return bill
- 16. Governor to fill vacancies by appointment
- 17. Governor to issue writs of election to fill vacancies in legislature

18. Commissions

Section 1. Governor as chief executive; term of office; period of eligibility. The chief (sic) executive power of the State, shall be vested in a Governor, who shall hold his office for the term of four years; and no person shall be eligible to such office more than Eight, in any period of twelve years. —

Section 2. Qualifications of Governor. No person except a citizen of the United States, shall be eligible to the Office of Governor, nor shall any person be eligible to that office who shall not have attained the age of thirty years, and who shall not have been three years next preceding his election, a resident within this State. The minimum age requirement of this section does not apply to a person who succeeds to the office of Governor under section 8a of this Article. [Amendment proposed by H.J.R. No. 52, 1973, and adopted by people Nov. 5, 1974]

Section 3. Who not eligible. No member of Congress, or person holding any office under the United States, or under this State, or under any other power, shall fill the Office of Governor, except as may be otherwise provided in this Constitution. —

Section 4. Election of Governor. The Governor shall be elected by the qualified Electors of the State at the times, and places of choosing members of the Legislative Assembly; and the returns of every Election for Governor, shall be sealed up, and transmitted to the Secretary of State; directed to the Speaker of the House of Representatives, who shall open, and publish them in the presence of both houses of the Legislative Assembly. —

Section 5. Greatest number of votes decisive; election by legislature in case of tie. The person having the highest number of votes for Governor, shall be elected; but in case two or more persons shall have an equal and the highest number of votes for Governor, the two houses of the Legislative Assembly at the next regular session thereof, shall forthwith by joint vote, proceed to elect one of the said persons Governor. —

Section 6. Contested elections. Contested Elections for Governor shall be determined by the Legislative Assembly in such manner as may be prescribed by law. —

Section 7. Term of office. The official term of the Governor shall be four years; and shall commence at such times as may be prescribed by this constitution, or prescribed by law. —

Section 8. Vacancy in office of Governor. [Constitution of 1859; Amendment proposed by S.J.R. No. 10, 1920 (s.s.), and adopted May 21, 1920; Amendment proposed by S.J.R. No. 8, 1945, and adopted by people Nov. 5, 1946; Repeal proposed by initiative petition filed July 7, 1972, and adopted by people Nov. 7,

1972 (present section 8a of this Article adopted in lieu of this section)

Section 8a. Vacancy in office of Governor. In case of the removal from office of the Governor, or of his death, resignation, or disability to discharge the duties of his office as prescribed by law, the Secretary of State; or if there be none, or in case of his removal from office, death, resignation, or disability to discharge the duties of his office as prescribed by law, then the State Treasurer; or if there be none, or in case of his removal from office, death, resignation, or disability to discharge the duties of his office as prescribed by law, then the President of the Senate; or if there be none, or in case of his removal from office, death, resignation, or disability to discharge the duties of his office as prescribed by law, then the Speaker of the House of Representatives, shall become Governor until the disability be removed, or a Governor be elected at the next general biennial election. The Governor elected to fill the vacancy shall hold office for the unexpired term of the outgoing Governor. The Secretary of State or the State Treasurer shall appoint a person to fill his office until the election of a Governor, at which time the office so filled by appointment shall be filled by election; or, in the event of a disability of the Governor, to be Acting Secretary of State or Acting State Treasurer until the disability be removed. The person so appointed shall not be eligible to succeed to the office of Governor by automatic succession under this section during the term of his appointment. [Created through initiative petition filed July 7, 1972, adopted by people Nov. 7, 1972 (this section adopted in lieu of former section 8 of this Article)]

Section 9. Governor as commander in chief of state military forces. The Governor shall be commander in chief (sic) of the military, and naval forces of this State, and may call out such forces to execute the laws, to suppress insurrection (sic), or to repel invasion.

Section 10. Governor to see laws executed. He shall take care that the Laws be faithfully executed. —

Section 11. Recommendations to legislature. He shall from time to time give to the Legislative Assembly information touching the condition of the State, and recommend (sic) such measures as he shall judge to be expedient.[.]

Section 12. Governor may convene legislature. He may on extraordinary occasions convene the Legislative Assembly by proclamation, and shall state to both houses when assembled, the purpose for which they shall have been convened. —

Section 13. Transaction of governmental business. He shall transact all necessary business with the officers of government, and may require information in writing from the offices of the Administrative, and Military Departments upon any subject relating to the duties of their respective offices. —

Section 14. Reprieves, commutations and pardons; remission of fines and forfeitures. He shall have power to grant reprieves, commutations, and pardons, after conviction, for all offences (sic) except treason, subject to such regulations as may be provided by law. Upon conviction for treason he shall have power to suspend the execution of the sentence until the case shall be reported to the Legislative Assembly, at its next meeting, when the Legislative Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a farther (sic) reprieve. —

He shall have power to remit fines, and forfeitures, under such regulations as may be prescribed by law; and shall report to the Legislative Assembly at its next meeting each case of reprieve, commutation, or pardon granted, and the reasons for granting the same; and also the names of all persons in whose favor remission of fines, and forfeitures shall have been made, and the several amounts remitted [.]

Section 15. [This section of the Constitution of 1859 was redesignated as section 15b by the amendment proposed by S.J.R. No. 12, 1915, and adopted by people Nov. 7, 1916]

Section 15a. Single item and emergency clause veto. The Governor shall have power to veto single items in appropriation bills, and any provision in new bills declaring an emergency, without thereby affecting any other provision of such bill. [Created through S.J.R. No. 12, 1915, adopted by people Nov. 7, 1916; Amendment proposed by S.J.R. No. 13, 1921, and adopted by people June 7, 1921]

Section 15b. Legislative enactments; approval by Governor; notice of intention to disapprove; disapproval and reconsideration by legislature; failure of Governor to return bill. (1) Every bill which shall have passed the Legislative Assembly shall, before it becomes a law, be presented to the Governor; if the Governor approve, the Governor shall sign it; but if not, the Governor shall return it with written objections to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider it.

(2) If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which

it shall likewise be reconsidered, and, if approved by two-thirds of the members present, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journal of each house respectively.

(3) If any bill shall not be returned by the Governor within five days (Saturdays and Sundays excepted) after it shall have been presented to the Governor, it shall be a law without signature, unless the general adjournment shall prevent its return, in which case it shall be a law, unless the Governor within thirty days next after the adjournment (Saturdays and Sundays excepted) shall file such bill, with written objections thereto, in the office of the Secretary of State, who shall lay the same before the Legislative Assembly at its next session in like manner as if it had been returned by the Governor.

(4) Before filing a bill after adjournment with written objections, the Governor must announce publicly the possible intention to do so at least five days before filing the bill with written objections. However, nothing in this subsection requires the Governor to file any bill with objections because of the announcement. [Created through S.J.R. No. 12, 1915, adopted by people Nov. 7, 1916; Amendment proposed by H.J.R. No. 9, 1937, and adopted by people Nov. 8, 1938; amendment proposed by S.J.R. 4, 1987, and adopted by people Nov. 8, 1988]

Note: See Note to Article V §15.

Section 16. Governor to fill vacancies by appointment. When during a recess of the legislative assembly a vacancy occurs in any office, the appointment to which is vested in the legislative assembly, or when at any time a vacancy occurs in any other state office, or in the office of judge of any court, the governor shall fill such vacancy by appointment, which shall expire when a successor has been elected and qualified. When any vacancy occurs in any elective office of the state or of any district, county or precinct thereof, the vacancy shall be filled at the next general election, provided such vacancy occurs more than twenty (20) days prior to such general election. [Constitution of 1859; Amendment proposed by H.J.R. No. 5, 1925, and adopted by people Nov. 2, 1926; Amendment proposed by H.J.R. 30, 1985, and adopted by people May 20, 1986]

Note: The lead line to section 16 was a part of the measure submitted to the people by H.J.R. No. 5, 1925.

Section 17. Governor to issue writs of election to fill vacancies in legislature. He shall issue writs of Election to fill such vacancies as may have occurred (sic) in the Legislative Assembly.

Section 18. Commissions. All commissions shall issue in the name of the State; shall be signed by the Governor (sic), sealed with the seal of the State, and attested by the Secretary of State. —

**ARTICLE VI
ADMINISTRATIVE DEPARTMENT**

- Sec. 1. Election of Secretary and Treasurer of state; terms of office; period of eligibility
- 2. Duties of Secretary of State
- 3. Seal of state
- 4. Powers and duties of Treasurer
- 5. Offices and records of executive officers
- 6. County officers
- 7. Other officers
- 8. County officers' qualifications; location of offices of county and city officers; duties of such officers
- 9. Vacancies of county, township, precinct and city offices
- 10. County home rule under county charter

Section 1. Election of Secretary and Treasurer of state; terms of office; period of eligibility. There shall be elected by the qualified electors of the State, at the times and places of choosing Members of the Legislative Assembly, a Secretary, and Treasurer of State, who shall severally hold their offices for the term of four years; but no person shall be eligible to either of said offices more than Eight in any period of Twelve years. —

Section 2. Duties of Secretary of State. The Secretary of State shall keep a fair record of the official acts of the Legislative Assembly, and Executive Department of the State; and shall when required lay the same, and all matters relative thereto before either branch of the Legislative Assembly. He shall be by virtue of his office, Auditor of public Accounts, and shall perform such other duties as shall be assigned him by law. —

Section 3. Seal of state. There shall be a seal of State, kept by the Secretary of State for official purposes, which shall be called "The seal of the State of Oregon". —

Section 4. Powers and duties of Treasurer. The powers, and duties of the Treasurer of State shall be such as may be prescribed by law. —

Section 5. Offices and records of executive officers. The Governor, Secretary of State, and Treasurer of State shall severally keep the public records, books and papers at the seat of government in any manner relating to their respective offices. [Amendment proposed by S.J.R. 13, 1985, and adopted by people Nov. 4, 1986]

Section 6. County officers. There shall be elected in each county by the qualified

electors thereof at the time of holding general elections, a county clerk, treasurer and sheriff who shall severally hold their offices for the term of four years. [Constitution of 1859; Amendment proposed by initiative petition filed June 9, 1920, and adopted by people Nov. 2, 1920; Amendment proposed by H.J.R. No. 7, 1955, and adopted by people Nov. 6, 1956]

Section 7. Other officers. Such other county, township, precinct, and City officers as may be necessary, shall be elected, or appointed in such manner as may be prescribed by law. —

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. No. 7, 1955, and adopted by people Nov. 6, 1956; Amendment proposed by H.J.R. No. 42, 1971, and adopted by people Nov. 7, 1972; Amendment proposed by H.J.R. No. 22, 1973, and adopted by people Nov. 5, 1974]

Section 9. Vacancies in county, township, precinct and city offices. Vacancies in County, Township, precinct and City offices shall be filled in such manner as may be prescribed by law. —

Section 9a. County manager form of government. [Created through H.J.R. No. 3, 1943, adopted by people Nov. 7, 1944; Repeal proposed by H.J.R. No. 22, 1957, and adopted by people Nov. 4, 1958]

Section 10. County home rule under county charter. The Legislative Assembly shall provide by law a method whereby the legal voters of any county, by majority vote of such voters voting thereon at any legally called election, may adopt, amend, revise or repeal a county charter. A county charter may provide for the exercise by the county of authority over matters of county concern. Local improvements shall be financed only by taxes, assessments or charges imposed on benefited property, unless otherwise provided by law or charter. A county charter shall prescribe the organization of the county government and shall provide directly, or by its authority, for the number, election or appointment, qualifications, tenure, compensation, powers and duties of such officers as the county deems necessary. Such officers shall among them exercise all the powers and perform all the duties, as distributed by the county charter or by its authority, now or hereafter, by the Constitution or laws of this state, granted to or imposed upon any county officer. Except as expressly provided by general law, a county charter shall not

affect the selection, tenure, compensation, powers or duties prescribed by law for judges in their judicial capacity, for justices of the peace or for district attorneys. The initiative and referendum powers reserved to the people by this Constitution hereby are further reserved to the legal voters of every county relative to the adoption, amendment, revision or repeal of a county charter and to legislation passed by counties which have adopted such a charter; and no county shall require that referendum petitions be filed less than 90 days after the provisions of the charter or the legislation proposed for referral is adopted by the county governing body. To be circulated, referendum or initiative petitions shall set forth in full the charter or legislative provisions proposed for adoption or referral. Referendum petitions shall not be required to include a ballot title to be circulated. In a county a number of signatures of qualified voters equal to but not greater than four percent of the total number of all votes cast in the county for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition shall be required for a petition to order a referendum on county legislation or a part thereof. A number of signatures equal to but not greater than six percent of the total number of votes cast in the county for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition shall be required for a petition to propose an initiative ordinance. A number of signatures equal to but not greater than eight percent of the total number of votes cast in the county for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition shall be required for a petition to propose a charter amendment. [Created through H.J.R. No. 22, 1957, adopted by people Nov. 4, 1958; Amendment proposed by S.J.R. No. 48, 1959, and adopted by people Nov. 8, 1960; Amendment proposed by H.J.R. No. 21, 1977, and adopted by people May 23, 1978]

**ARTICLE VII (Amended)
- JUDICIAL DEPARTMENT**

- Sec. 1. Courts; election of judges; term of office; compensation
 - 1a. Retirement of judges; recall to temporary active service
 - 2. Amendment's effect on courts, jurisdiction and judicial system; Supreme Court's original jurisdiction
 - 2a. Temporary appointment and assignment of judges
 - 2b. Inferior courts may be affected in certain respects by special or local laws
 - 3. Jury trial; re-examination of issues by appellate court; record on appeal to Supreme

- 4. Court; affirmance notwithstanding error; determination of case by Supreme Court
- 5. Supreme Court; terms; statements of decisions of court
- 6. Juries; indictment; information
- 7. Incompetency or malfeasance of public officer
- 8. Oath of office of Judges of Supreme Court
- 9. Removal, suspension or censure of judges
- 10. Juries of less than 12 jurors

Section 1. Courts; election of judges; term of office; compensation. The judicial power of the state shall be vested in one supreme court and in such other courts as may from time to time be created by law. The judges of the supreme and other courts shall be elected by the legal voters of the state or of their respective districts for a term of six years, and shall receive such compensation as may be provided by law, which compensation shall not be diminished during the term for which they are elected. [Created through initiative petition filed July 7, 1910, adopted by people Nov. 8, 1910]

Section 1a. Retirement of judges; recall to temporary active service. Notwithstanding the provisions of section 1, Article VII (Amended) of this Constitution, a judge of any court shall retire from judicial office at the end of the calendar year in which he attains the age of 75 years. The Legislative Assembly or the people may by law:

- (1) Fix a lesser age for mandatory retirement not earlier than the end of the calendar year in which the judge attains the age of 70 years;
- (2) Provide for recalling retired judges to temporary active service on the court from which they are retired; and
- (3) Authorize or require the retirement of judges for physical or mental disability or any other cause rendering judges incapable of performing their judicial duties.

This section shall not affect the term to which any judge shall have been elected or appointed prior to or at the time of approval and ratification of this section. [Created through S.J.R. No. 3, 1959, adopted by people Nov. 8, 1960]

Section 2. Amendment's effect on courts, jurisdiction and judicial system; Supreme Court's original jurisdiction. The courts, jurisdiction, and judicial system of Oregon, except so far as expressly changed by this amendment, shall remain as at present constituted until otherwise provided by law. But the supreme court may, in its own discretion, take original jurisdiction in mandamus, quo warranto and habeas corpus proceedings. [Created through initiative petition filed July 7, 1910, adopted by people Nov. 8, 1910]

Section 2a. Temporary appointment and assignment of judges. The Legislative

Assembly or the people may by law empower the Supreme Court to:

- (1) Appoint retired judges of the Supreme Court or judges of courts inferior to the Supreme Court as temporary members of the Supreme Court.
- (2) Appoint members of the bar as judges pro tempore of courts inferior to the Supreme Court.
- (3) Assign judges of courts inferior to the Supreme Court to serve temporarily outside the district for which they were elected.

A judge or member of the bar so appointed or assigned shall while serving have all the judicial powers and duties of a regularly elected judge of the court to which he is assigned or appointed. [Created through S.J.R. No. 30, 1957, adopted by people Nov. 4, 1958]

Section 2b. Inferior courts may be affected in certain respects by special or local laws. Notwithstanding the provisions of section 23, Article IV of this Constitution, laws creating courts inferior to the Supreme Court or prescribing and defining the jurisdiction of such courts or the manner in which such jurisdiction may be exercised, may be made applicable:

- (1) To all judicial districts or other subdivisions of this state; or
- (2) To designated classes of judicial districts or other subdivisions; or
- (3) To particular judicial districts or other subdivisions. [Created through S.J.R. No. 34, 1961, adopted by people Nov. 6, 1962]

Section 3. Jury trial; re-examination of issues by appellate court; record on appeal to Supreme Court; affirmance notwithstanding error; determination of case by Supreme Court. In actions at law, where the value in controversy shall exceed \$200, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of this state, unless the court can affirmatively say there is no evidence to support the verdict. Until otherwise provided by law, upon appeal of any case to the supreme court, either party may have attached to the bill of exceptions the whole testimony, the instructions of the court to the jury, and any other matter material to the decision of the appeal. If the supreme court shall be of opinion, after consideration of all the matters thus submitted, that the judgment of the court appealed from was such as should have been rendered in the case, such judgment shall be affirmed, notwithstanding any error committed during the trial; or if, in any respect, the judgment appealed from should be changed, and the supreme court shall be of opinion that it can determine what judgment

should have been entered in the court below, it shall direct such judgment to be entered in the same manner and with like effect as decrees are now entered in equity cases on appeal to the supreme court. Provided, that nothing in this section shall be construed to authorize the supreme court to find the defendant in a criminal case guilty of an offense for which a greater penalty is provided than that of which the accused was convicted in the lower court. [Created through initiative petition filed July 7, 1910, adopted by people Nov. 8, 1910; Amendment proposed by H.J.R. No. 71, 1973, and adopted by people Nov. 3, 1974]

Section 4. Supreme Court; terms; statements of decisions of court. The terms of the supreme court shall be appointed by law; but there shall be one term at the seat of government annually. At the close of each term the judges shall file with the secretary of state concise written statements of the decisions made at that term. [Created through initiative petition filed July 7, 1910, adopted by people Nov. 8, 1910]

Section 5. Juries; indictment; information. [Created through initiative petition filed July 7, 1910, adopted by people Nov. 8, 1910; Amendment proposed by S.J.R. No. 23, 1957, and adopted by people Nov. 4, 1958; Repeal proposed by S.J.R. No. 1, 1973, and adopted by people Nov. 5, 1974 (present section 5 of this Article adopted in lieu of this section)]

Section 5. Juries; indictment; information; verdict in civil cases. (1) The Legislative Assembly shall provide by law for:

- (a) Selecting juries and qualifications of jurors;
- (b) Drawing and summoning grand jurors from the regular jury list at any time, separate from the panel of petit jurors;
- (c) Empanelling more than one grand jury in a county; and
- (d) The sitting of a grand jury during vacation as well as session of the court.

(2) A grand jury shall consist of seven jurors chosen by lot from the whole number of jurors in attendance at the court, five of whom must concur to find an indictment.

(3) Except as provided in subsections (4) and (5) of this section, a person shall be charged in a circuit court with the commission of any crime punishable as a felony only on indictment by a grand jury.

(4) The district attorney may charge a person on an information filed in circuit court of a crime punishable as a felony if the person appears before the judge of the circuit court and knowingly waives indictment.

(5) The district attorney may charge a person on an information filed in circuit court if, after a preliminary hearing before a magistrate, the person has been held to answer upon a showing of probable cause that

a crime punishable as a felony has been committed and that the person has committed it, or if the person knowingly waives preliminary hearing.

(6) An information shall be substantially in the form provided by law for an indictment. The district attorney may file an amended indictment or information whenever, by ruling of the court, an indictment or information is held to be defective in form.

(7) In civil cases three-fourths of the jury may render a verdict. [Created through S.J.R. No. 1, 1973, and adopted by people Nov. 5, 1974 (this section adopted in lieu of former section 5 of this Article)]

Section 6. Incompetency or malfeasance of public officer. Public officers shall not be impeached; but incompetency, corruption, malfeasance or delinquency in office may be tried in the same manner as criminal offenses, and judgment may be given of dismissal from office, and such further punishment as may have been prescribed by law. [Created through initiative petition filed July 7, 1910, adopted by people Nov. 8, 1910]

Section 7. Oath of office of Judges of Supreme Court. Every judge of the supreme court, before entering upon the duties of his office, shall take and subscribe, and transmit to the secretary of state, the following oath:

"I, _____, do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of Oregon, and that I will faithfully and impartially discharge the duties of a judge of the supreme court of this state, according to the best of my ability, and that I will not accept any other office, except judicial offices, during the term for which I have been elected." [Created through initiative petition filed July 7, 1910, adopted by people Nov. 8, 1910]

Section 8. Removal, suspension or censure of judges. (1) In the manner provided by law, and notwithstanding section 1 of this Article, a judge of any court may be removed or suspended from his judicial office by the Supreme Court, or censured by the Supreme Court, for:

(a) Conviction in a court of this or any other state, or of the United States, of a crime punishable as a felony or a crime involving moral turpitude; or

(b) Wilful misconduct in a judicial office where such misconduct bears a demonstrable relationship to the effective performance of judicial duties; or

(c) Wilful or persistent failure to perform judicial duties; or

(d) Generally incompetent performance of judicial duties; or

(e) Wilful violation of any rule of judicial conduct as shall be established by the Supreme Court; or

(f) Habitual drunkenness or illegal use of narcotic or dangerous drugs.

(2) Notwithstanding section 6 of this Article, the methods provided in this section, section 1a of this Article and in section 18, Article II of this Constitution, are the exclusive methods of the removal, suspension, or censure of a judge. [Created through S.J.R. No. 9, 1967, adopted by people Nov. 5, 1968; Amendment proposed by S.J.R. No. 48, 1975, and adopted by people May 25, 1976]

Section 9. Juries of less than 12 jurors. Provision may be made by law for juries consisting of less than 12 but not less than six jurors. [Created through S.J.R. No. 17, 1971, adopted by people Nov. 7, 1972]

**ARTICLE VII (Original)
THE JUDICIAL DEPARTMENT**

Note: Original Article VII, compiled below, has been supplanted in part by amended Article VII and in part by statutes enacted by the Legislative Assembly. The provisions of original Article VII relating to courts, jurisdiction and the judicial system, by the terms of section 2 of amended Article VII, are given the status of a statute and are subject to change by statutes enacted by the Legislative Assembly, except so far as changed by amended Article VII.

- Sec. 1. Courts in which judicial power vested
- 2. Supreme Court
- 3. Terms of office of Judges
- 4. Vacancy
- 5. Chief Justice
- 6. Jurisdiction
- 7. Term of Supreme Court; statements of decisions of court
- 8. Circuit court
- 9. Jurisdiction of circuit courts
- 10. Supreme and circuit judges; election in classes
- 11. County judges and terms of county courts
- 12. Jurisdiction of county courts; county commissioners
- 13. Writs granted by county judge; habeas corpus proceedings
- 14. Expenses of court in certain counties
- 15. County clerk; recorder
- 16. Sheriff
- 17. Prosecuting attorneys
- 19. Official delinquencies
- 20. Removal of Judges of Supreme Court and prosecuting attorneys from office
- 21. Oath of office of Supreme Court Judges

Section 1. Courts in which judicial power vested. The Judicial power of the State shall be vested in a Supreme (sic) Court, Circuits (sic) Courts, and County Courts, which shall be Courts of Record having general jurisdiction, to be defined, limited, and regulated by law in accordance with this Constitution.—Justices of the Peace may also be invested with limited Judicial powers, and Municipal Courts may be

created to administer the regulations of incorporated towns, and cities. —

Section 2. Supreme Court. The Supreme Court shall consist of Four Justices to be chosen in districts by the electors thereof, who shall be citizens of the United States, and who shall have resided in the State at least three years next preceding their election, and after their election to reside in their respective districts.—The number of Justices, the Districts may be increased, but shall not exceed five until the white population of the State shall amount to One Hundred Thousand, and shall never exceed seven; and the boundaries of districts may be changed, but no Change of Districts, shall have the effect to remove a Judge from office, or require (sic) him to change his residence without his consent. —

Section 3. Terms of office of Judges. The Judges first chosen under this Constitution shall allot among themselves, their terms of office, so that the term of one of them shall expire in Two years, one in Four years, and Two in Six years, and thereafter, one or more shall be chosen every Two years to serve for the term of Six years. —

Section 4. Vacancy. Every vacancy in the office of Judge of the Supreme Court shall be filled by election for the remainder of the vacant term, unless it would expire at the next election, and until so filled, or when it would so expire, the Governor shall fill the vacancy by appointment. —

Section 5. Chief Justice. The Judge who has the shortest term to serve, or the oldest of several having such shortest term, and not holding by appointment shall be the Chief (sic) Justice. —

Section 6. Jurisdiction. The Supreme Court shall have jurisdiction only to revise the final decisions of the Circuit Courts, and every cause shall be tried, and every decision shall be made by those Judges only, or a majority of them, who did not try the cause, or make the decision in the Circuit Court. —

Section 7. Term of Supreme Court; statements of decisions of court. The terms of the Supreme Court shall be appointed by Law; but there shall be one term at the seat of Government annually: —

And at the close of each term the Judges shall file with the Secretary of State, Concise written Statements of the decisions made at that term. —

Note: Section 7 is in substance the same as section 4 of amended Article VII.

Section 8. Circuit court. The Circuits (sic) Courts shall be held twice at least in each year in each County organized for judi-

cial purposes, by one of the Justices of the Supreme Court at times to be appointed by law; and at such other times as may be appointed by the Judges severally in pursuance of law. —

Section 9. Jurisdiction of circuit courts. All judicial power, authority, and jurisdiction not vested by this Constitution, or by laws consistent therewith, exclusively in some other Court shall belong to the Circuit Courts, and they shall have appellate jurisdiction, and supervisory control over the County Courts, and all other inferior Courts, Officers, and tribunals. —

Section 10. Supreme and circuit judges; election in classes. When the white population of the State shall amount to Two Hundred Thousand the Legislative Assembly, may provide for the election of Supreme, and Circuit Judges, in distinct classes, one of which classes shall consist of three Justices of the Supreme Court, who shall not perform Circuit duty, and the other class shall consist of the necessary number of Circuit Judges, who shall hold full terms without allotment, and who shall take the same oath as the Supreme Judges. —

Section 11. County judges and terms of county courts. There shall be elected in each County for the term of Four years a County Judge, who shall hold the County Court at times to be regulated by law. —

Section 12. Jurisdiction of county courts; county commissioners. The County Court shall have the jurisdiction pertaining to Probate Courts, and boards of County Commissioners, and such other powers, and duties, and such civil Jurisdiction, not exceeding the amount or value of five hundred dollars, and such criminal jurisdiction not extending to death or imprisonment in the penitentiary, as may be prescribed by law.—But the Legislative Assembly may provide for the election of Two Commissioners to sit with the County Judge whilst transacting County business, in any, or all of the Counties, or may provide a separate (sic) board for transacting such business. —

Section 13. Writs granted by county judge; habeas corpus proceedings. The County Judge may grant preliminary injunctions (sic), and such other writs as the Legislative Assembly may authorize him to grant, returnable to the Circuit Court, or otherwise as may be provided by law; and may hear, and decide questions arising upon habeas corpus; provided such decision be not against the authority, or proceedings of a Court, or Judge of equal, or higher jurisdiction. —

Section 14. Expenses of court in certain counties. The Counties having less

than ten thousand white inhabitants, shall be reimbursed (sic) wholly or in part for the salary, and expenses of the County Court by fees, percentage, & other equitable taxation, of the business done in said Court & in the office of the County Clerk. —

Section 15. County clerk; recorder. A County Clerk shall be elected in each County for the term of Two years, who shall keep all the public records, books, and papers of the County; record conveyances, and perform the duties of Clerk of the Circuit, and County Courts, and such other duties as may be prescribed by law:—But whenever the number of voters in any County shall exceed Twelve Hundred, the Legislative Assembly may authorize the election of one person as Clerk of the Circuit Court, one person as Clerk of the County Court, and one person Recorder of conveyances. —

Section 16. Sheriff. A sheriff shall be elected in each County for the term of Two years, who shall be the ministerial officer of the Circuit, and County Courts, and shall perform such other duties as may be prescribed by law. —

Section 17. Prosecuting attorneys. There shall be elected by districts comprised of one, or more counties, a sufficient number of prosecuting Attorneys, who shall be the law officers of the State, and of the counties within their respective districts, and shall perform such duties pertaining to the administration of Law, and general police as the Legislative Assembly may direct. —

Section 18. Juries; indictment; information. [Constitution of 1859; Amendment proposed by initiative petition filed January 30, 1908, and adopted by people June 1, 1908; Amendment proposed by H.J.R. No. 14, 1927, and adopted by people June 28, 1927; Repeal proposed by S.J.R. No. 23, 1957, and adopted by people Nov. 4, 1958]

Section 19. Official delinquencies. Public Officers shall not be impeached, but incompetency, corruption, malfeasance, or delinquency in office may be tried in the same manner as criminal offences (sic), and judgment may be given of dismissal from Office, and such further punishment as may have been prescribed by law. —

Note: Section 19 is the same as section 6 of amended Article VII.

Section 20. Removal of Judges of Supreme Court and prosecuting attorneys from office. The Governor (sic) may remove from Office a Judge of the Supreme Court, or Prosecuting Attorney upon the Joint resolution of the Legislative Assembly, in which Two Thirds of the members elected to each house shall concur, for incompetency, Corruption, malfeasance, or delinquency in office, or other sufficient cause stated in such resolution. —

Section 21. Oath of office of Supreme Court Judges. Every judge of the Supreme Court before entering upon the duties of his office shall take, subscribe, and transmit to the Secretary of State the following oath.—I

do solemnly swear (or affirm) that I will support the Constitution of the United States, and the constitution of the State of Oregon, and that I will faithfully, and impartially discharge the duties of a Judge of the Supreme, and Circuits (sic) Courts of said, State according to the best of my ability, and that I will not accept any other office, except Judicial offices during the term for which I have been elected.

**ARTICLE VIII
EDUCATION AND SCHOOL LANDS**

- Sec. 1. Superintendent of Public Instruction
- 2. Common School Fund
- 3. System of common schools
- 4. Distribution of school fund income
- 5. State Land Board; land management
- 6. Qualifications of voters in school elections
- 7. Prohibition of sale of state timber processed in Oregon

Section 1. Superintendent of Public Instruction. The Governor shall be superintendent of public instruction, and his powers, and duties in that capacity shall be such as may be prescribed by law; but after the term of five years from the adoption of this Constitution, it shall be competent for the Legislative Assembly to provide by law for the election of a superintendent, to provide for his compensation, and prescribe his powers and duties. —

Section 2. Common School Fund. (1) The sources of the Common School Fund are:

(a) The proceeds of all lands granted to this state for educational purposes, except the lands granted to aid in the establishment of institutions of higher education under the Acts of February 14, 1859 (11 Stat. 383) and July 2, 1862 (12 Stat. 503).

(b) All the moneys and clear proceeds of all property which may accrue to the state by escheat.

(c) The proceeds of all gifts, devises and bequests, made by any person to the state for common school purposes.

(d) The proceeds of all property granted to the state, when the purposes of such grant shall not be stated.

(e) The proceeds of the five hundred thousand acres of land to which this state is entitled under the Act of September 4, 1841 (5 Stat. 455).

(f) The five percent of the net proceeds of the sales of public lands to which this state became entitled on her admission into the union.

(g) After providing for the cost of administration and any refunds or credits authorized by law, the proceeds from any tax or excise levied on, with respect to or measured by the extraction, production, storage, use, sale, distribution or receipt of oil or natural gas and the proceeds from any tax or excise levied on the ownership of oil or natural gas. However, the rate of such taxes shall not be greater than six percent of the market value of all oil and natural gas produced or salvaged from the earth or waters of this state as and when owned or produced. This paragraph does not include proceeds from any tax or excise as described in section 3, Article IX of this Constitution.

(2) All revenues derived from the sources mentioned in subsection (1) of this section shall become a part of the Common School Fund. The State Land Board may expend moneys in the Common School Fund to carry out its powers and duties under subsection (2) of section 5 of this Article. Unexpended moneys in the Common School Fund shall be invested as the Legislative Assembly shall provide by law and shall not be subject to the limitations of section 6, Article XI of this Constitution. The State Land Board may apply, as it considers appropriate, income derived from the investment of the Common School Fund to the operating expenses of the State Land Board in exercising its powers and duties under subsection (2) of section 5 of this Article. The remainder of the income derived from the investment of the Common School Fund shall be applied to the support of primary and secondary education as prescribed by law. [Constitution of 1859; amendment proposed by H.J.R. No. 7, 1967, and adopted by people May 28, 1968; amendment proposed by H.J.R. No. 6, 1979, and adopted by people Nov. 4, 1980; amendment to subsection (2) proposed by S.J.R. 1, 1987, and adopted by people Nov. 8, 1988; amendment to paragraph (b) of subsection (1) proposed by H.J.R. 3, 1989, and adopted by people June 27, 1989]

Section 3. System of common schools. The Legislative Assembly shall provide by law for the establishment of a uniform, and general system of Common schools.

Section 4. Distribution of school fund income. Provision shall be made by law for the distribution of the income of the common school fund among the several Counties of this state in proportion to the number of children resident therein between the ages, four and twenty years. —

Section 5. State Land Board; land management. (1) The Governor, Secretary of State and State Treasurer shall constitute a State Land Board for the disposition and

management of lands described in section 2 of this Article, and other lands owned by this state that are placed under their jurisdiction by law. Their powers and duties shall be prescribed by law.

(2) The board shall manage lands under its jurisdiction with the object of obtaining the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management. [Constitution of 1859; Amendment proposed by H.J.R. No. 7, 1967, and adopted by people May 28, 1968]

Section 6. Qualifications of voters in school elections. In all school district elections every citizen of the United States of the age of twenty-one years and upward who shall have resided in the school district during the six months immediately preceding such election, and who shall be duly registered prior to such election in the manner provided by law, shall be entitled to vote, provided such citizen is able to read and write the English language. [Created through initiative petition filed June 25, 1948, adopted by people Nov. 2, 1948]

Section 7. Prohibition of sale of state timber unless timber processed in Oregon. (1) Notwithstanding subsection (2) of section 5 of this Article or any other provision of this Constitution, the State Land Board shall not authorize the sale or export of timber from lands described in section 2 of this Article unless such timber will be processed in Oregon. The limitation on sale or export in this subsection shall not apply to species, grades or quantities of timber which may be found by the State Land Board to be surplus to domestic needs.

(2) Notwithstanding any prior agreements or other provisions of law or this Constitution, the Legislative Assembly shall not authorize the sale or export of timber from state lands other than those described in section 2 of this Article unless such timber will be processed in Oregon. The limitation on sale or export in this subsection shall not apply to species, grades or quantities of timber which may be found by the State Forester to be surplus to domestic needs.

(3) This section first becomes operative when federal law is enacted allowing this state to exercise such authority or when a court or the Attorney General of this state determines that such authority lawfully may be exercised. [Created through S.J.R. 8, 1989, adopted by people June 27, 1989]

ARTICLE IX FINANCE

- Sec. 1. Assessment and taxation; uniform rules; uniformity of operation of laws
- 1a. Poll or head tax; declaration of emergency in tax laws
 - 1b. Ships exempt from taxation until 1935
 - 1c. Financing redevelopment and urban renewal projects
 2. Legislature to provide revenue to pay current state expenses and interests
 3. Tax imposed only by law; statement of purpose
 - 3a. Use of revenue from taxes on motor vehicle use and fuel
 - 3b. Rate of levy on oil or natural gas; exception
 4. Appropriation necessary for withdrawal from treasury
 5. Publication of accounts
 6. Deficiency of funds; tax levy to pay
 7. Appropriation laws not to contain provisions on other subjects
 8. Stationery for use of state
 9. Taxation of certain benefits prohibited

Section 1. Assessment and taxation; uniform rules; uniformity of operation of laws. The Legislative Assembly shall, and the people through the initiative may, provide by law uniform rules of assessment and taxation. All taxes shall be levied and collected under general laws operating uniformly throughout the State. [Constitution of 1859; Amendment proposed by H.J.R. No. 16, 1917, and adopted by people June 4, 1917]

Section 1a. Poll or head tax; declaration of emergency in tax laws. No poll or head tax shall be levied or collected in Oregon. The Legislative Assembly shall not declare an emergency in any act regulating taxation or exemption. [Created through initiative petition filed June 23, 1910, adopted by people Nov. 8, 1910; Amendment proposed by S.J.R. No. 10, 1911, and adopted by people Nov. 5, 1912]

Section 1b. Ships exempt from taxation until 1935. All ships and vessels of fifty tons or more capacity engaged in either passenger or freight coasting or foreign trade, whose home ports of registration are in the State of Oregon, shall be and are hereby exempted from all taxes of every kind whatsoever, excepting taxes for State purposes, until the first day of January, 1935. [Created through S.J.R. No. 18, 1915, adopted by people Nov. 7, 1916]

Section 1c. Financing redevelopment and urban renewal projects. The Legislative Assembly may provide that the ad valorem taxes levied by any taxing unit, in which is located all or part of an area included in a redevelopment or urban renewal project, may be divided so that the taxes levied against any increase in the true cash value, as defined by law, of property in such area obtaining after the effective date of the ordinance or resolution approving the redevelopment or urban renewal plan for such area, shall be used to pay any indebtedness

incurred for the redevelopment or urban renewal project. The legislature may enact such laws as may be necessary to carry out the purposes of this section. [Created through S.J.R. No. 32, 1959, adopted by people Nov. 8, 1960]

Section 2. Legislature to provide revenue to pay current state expenses and interest. The Legislative Assembly shall provide for raising revenue sufficiently to defray the expenses of the State for each fiscal year, and also a sufficient sum to pay the interest on the State debt, if there be any.

Section 3. Laws imposing taxes; gasoline and motor vehicle taxes. [Constitution of 1859; Amendment proposed by S.J.R. No. 11, 1941, and adopted by people Nov. 3, 1942; repealed by S.J.R. No. 7, 1979, and adopted by people May 20, 1980]

Section 3. Tax imposed only by law; statement of purpose. No tax shall be levied except in accordance with law. Every law imposing a tax shall state distinctly the purpose to which the revenue shall be applied. [Created through S.J.R. No. 7, 1979, adopted by people May 20, 1980 (this section and section 3a adopted in lieu of former section 3 of this Article)]

Section 3a. Use of revenue from taxes on motor vehicle use and fuel. (1) Except as provided in subsection (2) of this section, revenue from the following shall be used exclusively for the construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads, streets and roadside rest areas in this state:

(a) Any tax levied on, with respect to, or measured by the storage, withdrawal, use, sale, distribution, importation or receipt of motor vehicle fuel or any other product used for the propulsion of motor vehicles; and

(b) Any tax or excise levied on the ownership, operation or use of motor vehicles.

(2) Revenues described in subsection (1) of this section:

(a) May also be used for the cost of administration and any refunds or credits authorized by law.

(b) May also be used for the retirement of bonds for which such revenues have been pledged.

(c) If from levies under paragraph (b) of subsection (1) of this section on campers, mobile homes, motor homes, travel trailers, snowmobiles, or like vehicles, may also be used for the acquisition, development, maintenance or care of parks or recreation areas.

(d) If from levies under paragraph (b) of subsection (1) of this section on vehicles used or held out for use for commercial purposes, may also be used for enforcement of commercial vehicle weight, size, load, conformation and equipment regulation. [Created through S.J.R. No. 7, 1979, adopted by people May 20,

1980 (this section and section 3 adopted in lieu of former section 3 of this Article)]

Section 3b. Rate of levy on oil or natural gas; exception. Any tax or excise levied on, with respect to or measured by the extraction, production, storage, use, sale, distribution or receipt of oil or natural gas, or the ownership thereof, shall not be levied at a rate that is greater than six percent of the market value of all oil and natural gas produced or salvaged from the earth or waters of this state as and when owned or produced. This section does not apply to any tax or excise the proceeds of which are dedicated as described in sections 3 and 3a of this Article. [Created through H.J.R. No. 6, 1979, adopted by people Nov. 4, 1980]

Note: Section 3b was designated as "Section 3a" by H.J.R. 6, 1979, adopted by people November 4, 1980.

Section 4. Appropriation necessary for withdrawal from treasury. No money shall be drawn from the treasury, but in pursuance of appropriations made by law. —

Section 5. Publication of accounts. An accurate statement of the receipts, and expenditures of the public money shall be published with the laws of each regular session of the Legislative Assembly. —

Section 6. Deficiency of funds; tax levy to pay. Whenever the expenses, of any fiscal year, shall exceed the income, the Legislative Assembly shall provide for levying a tax, for the ensuing fiscal year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expense of the ensuing fiscal year. —

Section 7. Appropriation laws not to contain provisions on other subjects. Laws making appropriations, for the salaries of public officers, and other current expenses of the State, shall contain provisions upon no other subject. —

Section 8. Stationery for use of state. All stationary (sic) required for the use of the State shall be furnished by the lowest responsible bidder, under such regulations as may be prescribed by law. But no State Officer, or member of the Legislative Assembly shall be interested in any bid, or contract for furnishing such stationery. —

Section 9. Taxation of certain benefits prohibited. Benefits payable under the federal old age and survivors insurance program or benefits under section 3(a), 4(a) or 4(f) of the federal Railroad Retirement Act of 1974, as amended, or their successors, shall not be considered income for the purposes of any tax levied by the state or by a local government in this state. Such benefits shall not be used in computing the tax liability of any person under any such tax. Nothing in this section is intended to affect any benefits to

which the beneficiary would otherwise be entitled. This section applies to tax periods beginning on or after January 1, 1986. [Created through H.J.R. 26, 1985, adopted by people May 20, 1986]

**ARTICLE X
THE MILITIA**

- Sec. 1. State militia
- 2. Who exempt
- 3. Officers

Section 1. State militia. The Legislative Assembly shall provide by law for the organization, maintenance and discipline of a state militia for the defense and protection of the State. [Constitution of 1859; Amendment proposed by H.J.R. No. 5, 1961, and adopted by people Nov. 6, 1962]

Section 2. Who exempt. Persons whose religious tenets, or conscientious scruples forbid them to bear arms shall not be compelled to do so. [Constitution of 1859; Amendment proposed by H.J.R. No. 5, 1961, and adopted by people Nov. 6, 1962]

Section 3. Officers. The Governor, in his capacity as Commander-in-Chief of the military forces of the State, shall appoint and commission an Adjutant General. All other officers of the militia of the State shall be appointed and commissioned by the Governor upon the recommendation of the Adjutant General. [Constitution of 1859; Amendment proposed by H.J.R. No. 5, 1961, and adopted by people Nov. 6, 1962]

Section 4. Staff officers; commissions. [Constitution of 1859; Repeal proposed by H.J.R. No. 5, 1961, and adopted by people Nov. 6, 1962]

Section 5. Legislature to make regulations for militia. [Constitution of 1859; Repeal proposed by H.J.R. No. 5, 1961, and adopted by people Nov. 6, 1962]

Section 6. Continuity of government in event of enemy attack. [Created through H.J.R. No. 9, 1959, adopted by people Nov. 8, 1960; repeal proposed by H.J.R. No. 24, 1975, and adopted by people Nov. 2, 1976]

**ARTICLE XI
CORPORATIONS AND INTERNAL
IMPROVEMENTS**

- Sec. 1. Prohibition of state banks
- 2. Formation of corporations; municipal charters; intoxicating liquor regulation
- 2a. Merger of adjoining municipalities; county-city consolidation
- 3. Liability of stockholders
- 4. Compensation for property taken by corporation
- 5. Restriction of municipal powers in Acts of incorporation
- 6. State not to be stockholder in company; exception of gifts for higher education purposes
- 7. Credit of state not to be loaned—limitation upon power of contracting debts
- 8. State not to assume debts of counties, towns or other corporations

- 9. Limitations on powers of county or city to assist corporations
- 10. County debt limitation
- 11. Tax limitation
- 11a. School district tax levy
- 11b. Property tax categories; limitation on categories; exceptions
- 11c. Limits in addition to other limits
- 11d. Effect of section 11b on exemptions and assessments
- 11e. Severability of sections 11b, 11c and 11d
- 11f. School district tax levy following merger
- 12. Peoples' utility districts
- 13. Interests of employes when operation of transportation system assumed by public body
- 14. Metropolitan service district merger

Section 1. Prohibition of state banks. The Legislative Assembly shall not have the power to establish, or incorporate any bank or banking company, or monied (sic) institution whatever; nor shall any bank company, or instition (sic) exist in the State, with the privilege of making, issuing, or putting in circulation, any bill, check, certificate, prommisory (sic) note, or other paper, or the paper of any bank company, or person, to circulate as money. —

Note: The semicolon appearing in the signed Constitution after the word "whatever" in section 1, was not in the original draft reported to, and adopted by the convention and is not part of the Constitution. State v. H.S. & L.A., (1880) 8 Or. 396, 401.

Section 2. Formation of corporations; municipal charters; intoxicating liquor regulation. Corporations may be formed under general laws, but shall not be created by the Legislative Assembly by special laws. The Legislative Assembly shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town. The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the Constitution and criminal laws of the State of Oregon, and the exclusive power to license, regulate, control, or to suppress or prohibit, the sale of intoxicating liquors therein is vested in such municipality; but such municipality shall within its limits be subject to the provisions of the local option law of the State of Oregon. [Constitution of 1859; Amendment by initiative petition, adopted by people June 4, 1906; Amendment by initiative petition filed June 23, 1910, and adopted by people Nov. 8, 1910]

Section 2a. Merger of adjoining municipalities; county-city consolidation. (1) The Legislative Assembly, or the people by the Initiative, may enact a general law providing a method whereby an incorporated city or town or municipal corporation may surrender its charter and be merged into an adjoining city or town, provided a majority of the electors of each of the incorporated cities or towns or municipal corporations affected authorize the surrender or merger, as the case may be.

(2) In all counties having a city therein containing over 300,000 inhabitants, the county and city government thereof may be consolidated in such manner as may be provided by law with one set of officers. The consolidated county and city may be incorporated under general laws providing for incorporation for municipal purposes. The provisions of this Constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or prohibited to cities, shall be applicable to such consolidated government. [Created through H.J.R. No. 10, 1913, adopted by people Nov. 3, 1914; Amendment proposed by S.J.R. 29, 1967, and adopted by people Nov. 5, 1968]

Section 3. Liability of stockholders. The stockholders of all corporations and joint stock companies shall be liable for the indebtedness of said corporation to the amount of their stock subscribed and unpaid and no more, excepting that the stockholders of corporations or joint stock companies conducting the business of banking shall be individually liable equally and ratably and not one for another, for the benefit of the depositors of said bank, to the amount of their stock, at the par value thereof, in addition to the par value of such shares, unless such banking corporation shall have provided security through membership in the federal deposit insurance corporation or other instrumentality of the United States or otherwise for the benefit of the depositors of said bank equivalent in amount to such double liability of said stockholders. [Constitution of 1859; Amendment proposed by S.J.R. No. 13, 1911, and adopted by people Nov. 5, 1912; Amendment proposed by H.J.R. No. 2, 1943, and adopted by people Nov. 7, 1944]

Section 4. Compensation for property taken by corporation. No person's property shall be taken by any corporation under authority of law, without compensation being first made, or secured in such manner as may be prescribed by law.

Section 5. Restriction of municipal powers in Acts of incorporation. Acts of the Legislative Assembly, incorporating towns, and cities, shall restrict their powers of taxation, borrowing money, contracting debts, and loaning their credit. —

Section 6. State not to be stockholder in company; exception of gifts for higher education purposes. The state shall not subscribe to, or be interested in the stock of any company, association or corporation. However, as provided by law the state may hold and dispose of stock, including stock already received, that is donated or bequeathed; and may invest, in the stock of any company, association or corporation, any funds or moneys that:

(1) Are donated or bequeathed for higher education purposes; or

(2) Are the proceeds from the disposition of stock that is donated or bequeathed for higher education purposes, including stock already received; or

(3) Are dividends paid with respect to stock that is donated or bequeathed for higher education purposes, including stock already received. [Constitution of 1859; Amendment proposed by H.J.R. No. 11, 1955, and adopted by people Nov. 6, 1956; Amendment proposed by H.J.R. 27, 1969, and adopted by people Nov. 3, 1970]

Section 7. Credit of state not to be loaned — limitation upon power of contracting debts. The Legislative Assembly shall not lend the credit of the state nor in any manner create any debt or liabilities which shall singly or in the aggregate with previous debts or liabilities exceed the sum of fifty thousand dollars, except in case of war or to repel invasion or suppress insurrection or to build and maintain permanent roads; and the Legislative Assembly shall not lend the credit of the state nor in any manner create any debts or liabilities to build and maintain permanent roads which shall singly or in the aggregate with previous debts or liabilities incurred for that purpose exceed one percent of the true cash value of all the property of the state taxed on an ad valorem basis; and every contract of indebtedness entered into or assumed by or on behalf of the state in violation of the provisions of this section shall be void and of no effect. This section does not apply to any agreement entered into pursuant to law by the state or any agency thereof for the lease of real property to the state or agency for any period not exceeding 20 years and for a public purpose. [Constitution of 1859; Amendment proposed by initiative petition filed July 2, 1912, and adopted by people Nov. 5, 1912; Amendment proposed by H.J.R. No. 11, 1920 (s.s.), and adopted by people May 21, 1920; Amendment proposed by S.J.R. No. 4, 1961, and adopted by people Nov. 6, 1962; Amendment proposed by S.J.R. 19, 1963, and adopted by people Nov. 3, 1964]

Section 8. State not to assume debts of counties, towns or other corporations. The State shall never assume the debts of any county, town, or other corporation whatever, unless such debts, shall have been created to repel invasion, suppress insurrection, or defend the State in war. —

Section 9. Limitations on powers of county or city to assist corporations. No county, city, town or other municipal corporation, by vote of its citizens, or otherwise, shall become a stockholder in any joint company, corporation or association, whatever, or raise money for, or loan its credit to, or in aid of, any such company, corporation or association. Provided, that any municipal corporation designated as a port under any

general or special law of the state of Oregon, may be empowered by statute to raise money and expend the same in the form of a bonus to aid in establishing water transportation lines between such port and any other domestic or foreign port or ports, and to aid in establishing water transportation lines on the interior rivers of this state, or on the rivers between Washington and Oregon, or on the rivers of Washington and Idaho reached by navigation from Oregon's rivers; any debts of a municipality to raise money created for the aforesaid purpose shall be incurred only on approval of a majority of those voting on the question, and shall not, either singly or in the aggregate, with previous debts and liabilities incurred for that purpose, exceed one per cent of the assessed valuation of all property in the municipality. [Constitution of 1859; Amendment proposed by S.J.R. No. 13, 1917, and adopted by people June 4, 1917]

Section 10. County debt limitation. No county shall create any debt or liabilities which shall singly or in the aggregate, with previous debts or liabilities, exceed the sum of \$5,000; provided, however, counties may incur bonded indebtedness in excess of such \$5,000 limitation to carry out purposes authorized by statute, such bonded indebtedness not to exceed limits fixed by statute. [Constitution of 1859; Amendment proposed by initiative petition filed July 7, 1910, and adopted by people Nov. 8, 1910; Amendment proposed by initiative petition filed July 2, 1912, and adopted by people Nov. 5, 1912; Amendment proposed by S.J.R. No. 11, 1919, and adopted by people June 3, 1919; Amendment proposed by H.J.R. No. 7, 1920 (s.s.), and adopted by people May 21, 1920; Amendment proposed by S.J.R. No. 1, 1921 (s.s.), and adopted by people Nov. 7, 1922; Amendment proposed by S.J.R. No. 5, 1921 (s.s.), and adopted by people Nov. 7, 1922; Amendment proposed by H.J.R. No. 3, 1925, and adopted by people Nov. 2, 1926; Amendment proposed by S.J.R. No. 18, 1925, and adopted by people Nov. 2, 1926; Amendment proposed by H.J.R. No. 19, 1925, and adopted by people Nov. 2, 1926; Amendment proposed by H.J.R. No. 21, 1957, and adopted by people Nov. 4, 1958]

Section 11. Tax and indebtedness limitation. [Created through initiative petition filed July 6, 1916, and adopted by people Nov. 7, 1916; Amendment proposed by H.J.R. No. 9, 1931, and adopted by people Nov. 8, 1932; Amendment proposed by H.J.R. No. 9, 1951, and adopted by people Nov. 4, 1952; Repeal proposed by S.J.R. No. 33, 1961, and adopted by people Nov. 6, 1962 (present section 11 of this Article adopted in lieu of this section)]

Section 11. Tax limitation. (1) Except as provided in subsection (3) of this section, no taxing unit, whether it be the state, any county, municipality, district or other body to which the power to levy a tax has been delegated, shall in any year so exercise that power to raise a greater amount of revenue than its tax base as defined in subsection (2) of this section. The portion of any tax levied in excess of any limitation imposed by this section shall be void.

(2) The tax base of each taxing unit in a given year shall be one of the following:

(a) The amount obtained by adding six percent to the total amount of tax lawfully levied by the taxing unit, exclusive of amounts described in paragraphs (a) and (b) of subsection (3) of this section, in any one of the last three years in which such a tax was levied by the unit; or

(b) An amount approved as a new tax base by a majority of the legal voters of the taxing unit voting on the question submitted to them in a form specifying in dollars and cents the amount of the tax base in effect and the amount of the tax base submitted for approval. The new tax base, if approved, shall first apply to the levy for the fiscal year next following its approval.

(3) The limitation provided in subsection (1) of this section shall not apply to:

(a) That portion of any tax levied which is for the payment of bonded indebtedness or interest thereon.

(b) That portion of any tax levied which is specifically voted outside the limitation imposed by subsection (1) of this section by a majority of the legal voters of the taxing unit voting on the question.

(4) Notwithstanding the provisions of subsections (1) to (3) of this section, the following special rules shall apply during the periods indicated:

(a) During the fiscal year following the creation of a new taxing unit which includes property previously included in a similar taxing unit, the new taxing unit and the old taxing unit may not levy amounts on the portions of property received or retained greater than the amount obtained by adding six percent to the total amount of tax lawfully levied by the old taxing unit on the portion received or retained, exclusive of amounts described in paragraphs (a) and (b) of subsection (3) of this section, in any one of the last three years in which such a tax was levied.

(b) During the fiscal year following the annexation of additional property to an existing taxing unit, the tax base of the annexing unit established under subsection (2) of this section shall be increased by an amount equal to the equalized assessed valuation of the taxable property in the annexed territory for the fiscal year of annexation multiplied by the millage rate within the tax base of the annexing unit for the fiscal year of annexation, plus six percent of such amount.

(c) Whenever any taxing unit merges with one or more other taxing units without expanding its territory, in the first fiscal year of the merger, the tax base of the

merged taxing unit shall be equal to the tax bases of all of the taxing units included in the merger for the prior fiscal year, plus six percent thereof.

(5) The Legislative Assembly may provide for the time and manner of calling and holding elections authorized under this section. However, the question of establishing a new tax base by a taxing unit other than the state shall be submitted at a regular state-wide general or primary election. [Created through S.J.R. No. 33, 1961, adopted by people Nov. 6, 1962 (this section adopted in lieu of former section 11 of this Article); Amendment proposed by H.J.R. 28, 1985, and adopted by people May 20, 1986]

Section 11a. School district tax levy.

(1) Notwithstanding section 11 of this Article, in any year, a school district may levy ad valorem property taxes for operating purposes in an amount that, together with other levies, is not in excess of the amount levied for operating purposes in the preceding year.

(2) A levy referred to in subsection (1) of this section shall not be considered in determining the limitation imposed under section 11 of this Article.

(3) Notwithstanding subsection (5) of section 11 of this Article, the question of establishing a new tax base by a school district may be submitted only once annually on a date specified by the Legislative Assembly.

(4) The Legislative Assembly shall by law implement this section. Notwithstanding sections 1 and 28, Article IV and section 1a, Article IX of this Constitution, the initial legislation, chapter 16, Oregon Laws 1987 (Enrolled Senate Bill 278), shall take effect on the effective date of this section. [Created through S.J.R. 3, 1987, adopted by people May 19, 1987]

Section 11b. Property tax categories; limitation on categories; exceptions. (1) During and after the fiscal year 1991-92, taxes imposed upon any property shall be separated into two categories: One which dedicates revenues raised specifically to fund the public school system and one which dedicates revenues raised to fund government operations other than the public school system. The taxes in each category shall be limited as set forth in the table which follows and these limits shall apply whether the taxes imposed on property are calculated on the basis of the value of that property or on some other basis:

1993-1994	\$10.00	\$10.00
1994-1995	\$ 7.50	\$10.00
1995-1996	\$ 5.00	\$10.00
and thereafter		

Property tax revenues are deemed to be dedicated to funding the public school system if the revenues are to be used exclusively for educational services, including support services, provided by some unit of government, at any level from pre-kindergarten through post-graduate training.

(2) The following definitions shall apply to this section:

(a) "Real market value" is the minimum amount in cash which could reasonably be expected by an informed seller acting without compulsion, from an informed buyer acting without compulsion, in an "arms-length" transaction during the period for which the property is taxed.

(b) A "tax" is any charge imposed by a governmental unit upon property or upon a property owner as a direct consequence of ownership of that property except incurred charges and assessments for local improvements.

(c) "Incurred charges" include and are specifically limited to those charges by government which can be controlled or avoided by the property owner.

(i) because the charges are based on the quantity of the goods or services used and the owner has direct control over the quantity; or

(ii) because the goods or services are provided only on the specific request of the property owner; or

(iii) because the goods or services are provided by the governmental unit only after the individual property owner has failed to meet routine obligations of ownership and such action is deemed necessary to enforce regulations pertaining to health or safety.

Incurred charges shall not exceed the actual costs of providing the goods or services.

(d) A "local improvement" is a capital construction project undertaken by a governmental unit

(i) which provides a special benefit only to specific properties or rectifies a problem caused by specific properties, and

(ii) the costs of which are assessed against those properties in a single assessment upon the completion of the project, and

(iii) for which the payment of the assessment plus appropriate interest may be spread over a period of at least ten years.

The total of all assessments for a local improvement shall not exceed the actual

MAXIMUM ALLOWABLE TAXES

For Each \$1000.00 of

Property's Real Market Value

<u>Fiscal Year</u>	<u>School System</u>	<u>Other than Schools</u>
1991-1992	\$15.00	\$10.00
1992-1993	\$12.50	\$10.00

costs incurred by the governmental unit in designing, constructing and financing the project.

(3) The limitations of subsection (1) of this section apply to all taxes imposed on property or property ownership except

(a) Taxes imposed to pay the principal and interest on bonded indebtedness authorized by a specific provision of this Constitution.

(b) Taxes imposed to pay the principal and interest on bonded indebtedness incurred or to be incurred for capital construction or improvements, provided the bonds are offered as general obligations of the issuing governmental unit and provided further that either the bonds were issued not later than November 6, 1990, or the question of the issuance of the specific bonds has been approved by the electors of the issuing governmental unit.

(4) In the event that taxes authorized by any provision of this Constitution to be imposed upon any property should exceed the limitation imposed on either category of taxing units defined in subsection (1) of this section, then, notwithstanding any other provision of this Constitution, the taxes imposed upon such property by the taxing units in that category shall be reduced evenly by the percentage necessary to meet the limitation for that category. The percentages used to reduce the taxes imposed shall be calculated separately for each category and may vary from property to property within the same taxing unit. The limitation imposed by this section shall not affect the tax base of a taxing unit.

(5) The Legislative Assembly shall replace from the State's general fund any revenue lost by the public school system because of the limitations of this section. The Legislative Assembly is authorized, however, to adopt laws which would limit the total of such replacement revenue plus the taxes imposed within the limitations of this section in any year to the corresponding total for the previous year plus 6 percent. This subsection applies only during fiscal years 1991-92 through 1995-96, inclusive. [Created through initiative petition filed May 8, 1990, adopted by people Nov. 6, 1990]

Section 11c. Limits in addition to other limits. The limits in section 11b of this Article are in addition to any limits imposed on individual taxing units by this Constitution. [Created through initiative petition filed May 8, 1990, adopted by people Nov. 6, 1990].

Section 11d. Effect of section 11b on exemptions and assessments. Nothing in sections 11b to 11e of this Article is intended to require or to prohibit the amendment of

any current statute which partially or totally exempts certain classes of property or which prescribes special rules for assessing certain classes of property, unless such amendment is required or prohibited by the implementation of the limitations imposed by section 11b of this Article. [Created through initiative petition filed May 8, 1990, adopted by people Nov. 6, 1990]

Section 11e. Severability of sections 11b, 11c and 11d. If any portion, clause or phrase of sections 11b to 11e of this Article is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions, clauses and phrases shall not be affected but shall remain in full force and effect. [Created through initiative petition filed May 8, 1990, adopted by people Nov. 6, 1990]

Section 11f. School district tax levy following merger. (1) If a school district merges with one or more other school districts and the merger is first effective for a fiscal year beginning on or after January 1, 1991, the tax base of the school district shall be equal to the sum of the tax base amounts for each of the school districts included in the merger, as otherwise determined under subsection (2) of section 11 of this Article.

(2) Subsection (4) of section 11 of this Article does not apply to a school district. The Legislative Assembly shall enact legislation to carry out the provisions of this section, including the circumstances under which mergers occur. [Created through H.J.R. 14, 1989, adopted by people Nov. 6, 1990]

Note: Section 11f was designated as "Section 11b" by H.J.R. 14, 1989, adopted by people November 6, 1990.

Section 12. Peoples' utility districts. Peoples' Utility Districts may be created of territory, contiguous or otherwise, within one or more counties, and may consist of an incorporated municipality, or municipalities, with or without unincorporated territory, for the purpose of supplying water for domestic and municipal purposes; for the development of water power and/or electric energy; and for the distribution, disposal and sale of water, water power and electric energy. Such districts shall be managed by boards of directors, consisting of five members, who shall be residents of such districts. Such districts shall have power:

(a) To call and hold elections within their respective districts.

(b) To levy taxes upon the taxable property of such districts.

(c) To issue, sell and assume evidences of indebtedness.

(d) To enter into contracts.

(e) To exercise the power of eminent domain.

(f) To acquire and hold real and other property necessary or incident to the business of such districts.

(g) To acquire, develop, and/or otherwise provide for a supply of water, water power and electric energy.

Such districts may sell, distribute and/or otherwise dispose of water, water power and electric energy within or without the territory of such districts.

The legislative assembly shall and the people may provide any legislation, that may be necessary, in addition to existing laws, to carry out the provisions of this section. [Created through initiative petition filed July 3, 1930, adopted by people Nov. 4, 1930]

Section 13. Interests of employes when operation of transportation system assumed by public body. Notwithstanding the provisions of section 20, Article I, section 10, Article VI, and sections 2 and 9, Article XI, of this Constitution, when any city, county, political subdivision, public agency or municipal corporation assumes responsibility for the operation of a public transportation system, the city, county, political subdivision, public agency or municipal corporation shall make fair and equitable arrangements to protect the interests of employes and retired employes affected. Such protective arrangements may include, without being limited to, such provisions as may be necessary for the preservation of rights, privileges and benefits (including continuation of pension rights and payment of benefits) under existing collective bargaining agreements, or otherwise. [Created through H.J.R. No. 13, 1965, adopted by people Nov. 8, 1966]

Section 14. Metropolitan service district charter. (1) The Legislative Assembly shall provide by law a method whereby the legal electors of any metropolitan service district organized under the laws of this state, by majority vote of such electors voting thereon at any legally called election, may adopt, amend, revise or repeal a district charter.

(2) A district charter shall prescribe the organization of the district government and shall provide directly, or by its authority, for the number, election or appointment, qualifications, tenure, compensation, powers and duties of such officers as the district considers necessary. Such officers shall among them exercise all the powers and perform all the duties, as granted to, imposed upon or distributed among district officers by the Constitution or laws of this state, by the district charter or by its authority.

(3) A district charter may provide for the exercise by ordinance of powers granted to

the district by the Constitution or laws of this state.

(4) A metropolitan service district shall have jurisdiction over matters of metropolitan concern as set forth in the charter of the district.

(5) The initiative and referendum powers reserved to the people by this Constitution hereby are further reserved to the legal electors of a metropolitan service district relative to the adoption, amendment, revision or repeal of a district charter and district legislation enacted thereunder. Such powers shall be exercised in the manner provided for county measures under section 10, Article VI of this Constitution. [Created by S.J.R. 2, 1989, adopted by people Nov. 6, 1990]

**ARTICLE XI-A
RURAL CREDITS**

[Created through initiative petition filed July 6, 1916, adopted by people Nov. 7, 1916; Repeal proposed by S.J.R. No. 1, 1941, and adopted by people Nov. 3, 1942]

**ARTICLE XI-A
FARM AND HOME LOANS TO
VETERANS**

- Sec. 1. State empowered to make farm and home loans to veterans
- 2. Bonds
- 3. Eligibility to receive loans
- 4. Tax levy
- 5. Repeal of conflicting constitutional provisions
- 6. Refunding bonds

Section 1. State empowered to make farm and home loans to veterans. Notwithstanding the limits contained in section 7, article XI of the Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred in an amount not to exceed eight percent of the true cash value of all the property in the state, for the purpose of creating a fund, to be known as the "Oregon War Veterans' Fund," to be advanced for the acquisition of farms and homes for the benefit of male and female residents of the State of Oregon who served in the Armed Forces of the United States. Secured repayment thereof shall be and is a prerequisite to the advancement of money from such fund, except that moneys in the Oregon War Veterans' Fund may also be appropriated to the Director of Veterans' Affairs to be expended, without security, for the following purposes:

- (1) Aiding war veterans' organizations in connection with their programs of service to war veterans;

(2) Training service officers appointed by the counties to give aid as provided by law to veterans and their dependents;

(3) Aiding the counties in connection with programs of service to war veterans;

(4) The duties of the Director of Veterans' Affairs as conservator of the estates of beneficiaries of the United States Veterans' Administration; and

(5) The duties of the Director of Veterans' Affairs in providing services to war veterans, their dependents and survivors. [Created through H.J.R. No. 7, 1943, adopted by people Nov. 7, 1944; Amendment proposed by H.J.R. No. 1, 1949, and adopted by people Nov. 7, 1950; Amendment proposed by H.J.R. No. 14, 1951, and adopted by people Nov. 4, 1952; Amendment proposed by S.J.R. No. 14, 1959, and adopted by people Nov. 8, 1960; Amendment proposed by H.J.R. No. 9, 1967, and adopted by people Nov. 5, 1968; Amendment proposed by H.J.R. No. 33, 1969, and adopted by people Nov. 3, 1970; Amendment proposed by H.J.R. No. 12, 1973, and adopted by people May 28, 1974; Amendment proposed by H.J.R. No. 10, 1977, and adopted by people May 17, 1977; Amendment proposed by S.J.R. No. 53, 1977, and adopted by people May 17, 1977]

Section 2. Bonds. Bonds of the state of Oregon containing a direct promise on behalf of the state to pay the face value thereof, with the interest therein provided for, may be issued to an amount authorized by section 1 hereof for the purpose of creating said "Oregon War Veterans' Fund." Said bonds shall be a direct obligation of the state and shall be in such form and shall run for such periods of time and bear such rates of interest as provided by statute. [Created through H.J.R. No. 7, 1943, adopted by people Nov. 7, 1944; Amendment proposed by H.J.R. No. 1, 1949, and adopted by people Nov. 7, 1950]

Section 3. Eligibility to receive loans. No person shall receive money from the Oregon War Veterans' Fund except the following:

(1) A person who:

(a) Resides in the State of Oregon at the time of applying for a loan from the fund;

(b) Served honorably in active duty in the Armed Forces of the United States for a period of not less than 210 days, any part of which occurred between September 15, 1940, and December 31, 1976 or who was, prior to completion of such period of service, discharged or released from active duty on account of service-connected injury or illness;

(c) Was a resident of the State of Oregon at the time of enlistment, induction, warrant or commission or has been a bona fide resident of the State of Oregon for at least five years since the date of discharge, separation or release from active duty;

(d) Has been honorably separated or discharged from the Armed Forces of the

United States or has been furloughed to a reserve; and

(e) Makes application for a loan either within the 30-year period immediately following the date on which the person was released from active duty in the Armed Forces of the United States, or not later than January 31, 1985, whichever occurs last.

(2)(a) The spouse of a person who is qualified to receive a loan under subsection (1) of this section but who has either been missing in action or a prisoner of war while on active duty in the Armed Forces of the United States even though the status of missing or being a prisoner occurred prior to completion of the minimum length of service or residence set forth in subsection (1) of this section, provided the spouse resides in this state at the time of application for the loan.

(b) The surviving spouse of a person who was qualified to receive a loan under subsection (1) of this section but who died while on active duty in the Armed Forces of the United States even though the death occurred prior to completion of the minimum length of service or residence set forth in subsection (1) of this section, provided the surviving spouse resides in this state at the time of application for the loan.

(c) The eligibility of a surviving spouse under this subsection shall terminate on his or her remarriage. [Created through H.J.R. No. 7, 1943, adopted by people Nov. 7, 1944; Amendment proposed by H.J.R. No. 1, 1949, and adopted by people Nov. 7, 1950; Amendment proposed by H.J.R. No. 14, 1951, and adopted by people Nov. 4, 1952; Amendment proposed by S.J.R. No. 14, 1959, and adopted by people Nov. 8, 1960; Amendment proposed by H.J.R. No. 9, 1967, and adopted by people Nov. 5, 1968; Amendment proposed by S.J.R. No. 23, 1971, and adopted by people Nov. 7, 1972; Amendment proposed by H.J.R. No. 23, 1975, and adopted by people May 25, 1976; Amendment proposed by H.J.R. No. 23, 1979, adopted by people May 20, 1980]

Section 4. Tax levy. There shall be levied each year, at the same time and in the same manner that other taxes are levied, a tax upon all property in the state of Oregon not exempt from taxation, not to exceed two (2) mills on each dollar valuation, to provide for the payment of principal and interest of the bonds authorized to be issued by this article. The two (2) mills additional tax herein provided for hereby is specifically authorized and shall not be computed as a part of the revenue raised by taxation which is subject to the tax limitation of section 11, article XI of the constitution of the state of Oregon, and said tax levy hereby authorized shall be in addition to all other taxes which may be levied according to law. [Created through H.J.R. No. 7, 1943, adopted by people Nov. 7, 1944]

Section 5. Repeal of conflicting constitutional provisions. The provisions of the constitution in conflict with this amend-

ment hereby are repealed so far as they conflict herewith. [Created through H.J.R. No. 7, 1943, adopted by people Nov. 7, 1944]

Section 6. Refunding bonds. Refunding bonds may be issued and sold to refund any bonds issued under authority of sections 1 and 2 of this article. There may be issued and outstanding at any one time bonds aggregating the amount authorized by section 1 hereof, but at no time shall the total of all bonds outstanding, including refunding bonds, exceed the amount so authorized. [Created through H.J.R. No. 7, 1943, adopted by people Nov. 7, 1944]

**ARTICLE XI-B
STATE PAYMENT OF IRRIGATION
AND DRAINAGE DISTRICT INTEREST**

[Created through H.J.R. No. 32, 1919, adopted by people June 3, 1919; Repeal proposed by H.J.R. No. 1, 1929, and adopted by people Nov. 4, 1930]

**ARTICLE XI-C
WORLD WAR VETERANS' STATE AID
SINKING FUND**

[Created through H.J.R. No. 12, 1921, adopted by people June 7, 1921; Amendment proposed by H.J.R. No. 7, 1923, adopted by people Nov. 4, 1924; Repeal proposed by S.J.R. No. 12, 1951, and adopted by people Nov. 4, 1952]

**ARTICLE XI-D
STATE POWER DEVELOPMENT**

- Sec. 1. State's rights, title and interest to water and water-power sites to be held in perpetuity
- 2. State's powers enumerated
- 3. Legislation to effectuate article
- 4. Construction of article

Section 1. State's rights, title and interest to water and water-power sites to be held in perpetuity. The rights, title and interest in and to all water for the development of water power and to water power sites, which the state of Oregon now owns or may hereafter acquire, shall be held by it in perpetuity. [Created through initiative petition filed July 7, 1932, adopted by people Nov. 8, 1932]

Section 2. State's powers enumerated. The state of Oregon is authorized and empowered:

- 1. To control and/or develop the water power within the state;
- 2. To lease water and water power sites for the development of water power;
- 3. To control, use, transmit, distribute, sell and/or dispose of electric energy;

4. To develop, separately or in conjunction with the United States, or in conjunction with the political subdivisions of this state, any water power within the state, and to acquire, construct, maintain and/or operate hydroelectric power plants, transmission and distribution lines;

5. To develop, separately or in conjunction with the United States, with any state or states, or political subdivisions thereof, or with any political subdivision of this state, any water power in any interstate stream and to acquire, construct, maintain and/or operate hydroelectric power plants, transmission and distribution lines;

6. To contract with the United States, with any state or states, or political subdivisions thereof, or with any political subdivision of this state, for the purchase or acquisition of water, water power and/or electric energy for use, transmission, distribution, sale and/or disposal thereof;

7. To fix rates and charges for the use of water in the development of water power and for the sale and/or disposal of water power and/or electric energy;

8. To loan the credit of the state, and to incur indebtedness to an amount not exceeding one and one-half percent of the true cash value of all the property in the state taxed on an ad valorem basis, for the purpose of providing funds with which to carry out the provisions of this article, notwithstanding any limitations elsewhere contained in this constitution;

9. To do any and all things necessary or convenient to carry out the provisions of this article. [Created through initiative petition filed July 7, 1932, adopted by people Nov. 8, 1932; Amendment proposed by S.J.R. No. 6, 1961, and adopted by people Nov. 6, 1962]

Section 3. Legislation to effectuate article. The legislative assembly shall, and the people may, provide any legislation that may be necessary in addition to existing laws, to carry out the provisions of this article; Provided, that any board or commission created, or empowered to administer the laws enacted to carry out the purposes of this article shall consist of three members and be elected without party affiliation or designation. [Created through initiative petition filed July 7, 1932, adopted by people Nov. 8, 1932]

Section 4. Construction of article. Nothing in this article shall be construed to affect in any way the laws, and the administration thereof, now existing or hereafter enacted, relating to the appropriation and use of water for beneficial purposes, other than for the development of water power. [Created through initiative petition filed July 7, 1932, adopted by people Nov. 8, 1932]

**ARTICLE XI-E
STATE REFORESTATION**

Section 1. State empowered to lend credit for forest rehabilitation and reforestation; bonds; taxation. The credit of the state may be loaned and indebtedness incurred in an amount which shall not exceed at any one time 3/16 of 1 percent of the true cash value of all the property in the state taxed on an ad valorem basis, to provide funds for forest rehabilitation and reforestation and for the acquisition, management, and development of lands for such purposes. So long as any such indebtedness shall remain outstanding, the funds derived from the sale, exchange, or use of said lands, and from the disposal of products therefrom, shall be applied only in the liquidation of such indebtedness. Bonds or other obligations issued pursuant hereto may be renewed or refunded. An ad valorem tax outside the limitation imposed by section 11, article XI, of this constitution shall be levied annually upon all the property in the state of Oregon taxed on an ad valorem basis, in sufficient amount to provide for the payment of such indebtedness and the interest thereon. The legislative assembly may provide other revenues to supplement or replace the said tax levies. The legislature shall enact legislation to carry out the provisions hereof. This amendment shall supersede all constitutional provisions in conflict herewith. [Created through H.J.R. No. 24, 1947, adopted by people Nov. 2, 1948; Amendment proposed by S.J.R. No. 7, 1961, and adopted by people Nov. 6, 1962]

**ARTICLE XI-F(1)
HIGHER EDUCATION BUILDING
PROJECTS**

- Sec. 1. State empowered to lend credit for higher education building projects
- 2. Only self-liquidating projects authorized
- 3. Sources of revenue
- 4. Bonds
- 5. Legislation to effectuate Article

Section 1. State empowered to lend credit for higher education building projects. The credit of the state may be loaned and indebtedness incurred in an amount which shall not exceed at any one time three-fourths of one percent of the true cash value of all the taxable property in the state, as determined by law to provide funds with which to redeem and refund outstanding revenue bonds issued to finance the cost of buildings and other projects for higher education, and to construct, improve, repair, equip, and furnish buildings and other structures for such purpose, and to purchase or improve sites therefor. [Created through H.J.R. No. 26, 1949, adopted by people Nov. 7, 1950; Amendment

proposed by H.J.R. No. 12, 1959, and adopted by people Nov. 8, 1960]

Section 2. Only self-liquidating projects authorized. The buildings and structures hereafter constructed for higher education pursuant to this amendment shall be such only as conservatively shall appear to the constructing authority to be wholly self-liquidating and self-supporting from revenues, gifts, grants, or building fees. All unpledged net revenues of buildings and other projects may be pooled with the net revenues of new buildings or projects in order to render the new buildings or projects self-liquidating and self-supporting. [Created through H.J.R. No. 26, 1949, adopted by people Nov. 7, 1950]

Section 3. Sources of revenue. Ad valorem taxes shall be levied annually upon all the taxable property in the state of Oregon in sufficient amount, with the aforesaid revenues, gifts, grants, or building fees, to provide for the payment of such indebtedness and the interest thereon. The legislative assembly may provide other revenues to supplement or replace such tax levies. [Created through H.J.R. No. 26, 1949, adopted by people Nov. 7, 1950]

Section 4. Bonds. Bonds issued pursuant to this article shall be the direct general obligations of the state, and be in such form, run for such periods of time, and bear such rates of interest, as shall be provided by statute. Such bonds may be refunded with bonds of like obligation. Unless provided by statute, no bonds shall be issued pursuant to this article for the construction of buildings or other structures for higher education until after all of the aforesaid outstanding revenue bonds shall have been redeemed or refunded. [Created through H.J.R. No. 26, 1949, adopted by people Nov. 7, 1950]

Section 5. Legislation to effectuate Article. The legislative assembly shall enact legislation to carry out the provisions hereof. This article shall supersede all conflicting constitutional provisions. [Created through H.J.R. No. 26, 1949, adopted by people Nov. 7, 1950]

**ARTICLE XI-F(2)
VETERANS' BONUS**

- Sec. 1. State empowered to lend credit to pay veterans' bonus; issuance of bonds
- 2. Definitions
- 3. Amount of bonus
- 4. Survivors of certain deceased veterans entitled to maximum amount
- 5. Certain persons not eligible
- 6. Order of distribution among survivors
- 7. Bonus not saleable or assignable; bonus free from creditors' claims and state taxes
- 8. Administration of Article; rules and regulations
- 9. Applications

10. Furnishing forms; printing, office supplies and equipment; employes; payment of expenses

Section 1. State empowered to lend credit to pay veterans' bonus; issuance of bonds. Notwithstanding the limitations contained in Section 7 of Article XI of the constitution, the credit of the State of Oregon may be loaned and indebtedness incurred to an amount not exceeding 5 percent of the assessed valuation of all the property in the state, for the purpose of creating a fund to be paid to residents of the State of Oregon who served in the armed forces of the United States between September 16, 1940, and June 30, 1946, and were honorably discharged from such service, which fund shall be known as the "World War II Veterans' Compensation Fund."

Bonds of the State of Oregon, containing a direct promise on behalf of the state to pay the face value thereof with the interest thereon provided for may be issued to an amount authorized in Section 1 hereof for the purpose of creating said World War II Veterans' Compensation Fund. Refunding bonds may be issued and sold to refund any bonds issued under authority of Section 1 hereof. There may be issued and outstanding at any one time bonds aggregating the amount authorized by Section 1, but at no time shall the total of all bonds outstanding, including refunding bonds, exceed the amount so authorized. Said bonds shall be a direct obligation of the State and shall be in such form and shall run for such periods of time and bear such rates of interest as shall be provided by statute. No person shall be eligible to receive money from said fund except the veterans as defined in Section 3 of this act [sic]. The legislature shall and the people may provide any additional legislation that may be necessary, in addition to existing laws, to carry out the provisions of this section. [Created through initiative petition filed June 30, 1950, adopted by people Nov. 7, 1950]

Section 2. Definitions. The following words, terms, and phrases, as used in this act [sic] shall have the following meaning unless the text otherwise requires:

1. "Domestic service" means service within the continental limits of the United States, excluding Alaska, Hawaii, Canal Zone and Puerto Rico.
2. "Foreign Service" means service in all other places, including sea duty.
3. "Husband" means the unremarried husband, and "wife" means the unremarried wife.
4. "Child or Children" means child or children of issue, child or children by adoption or child or children to whom the de-

ceased person has stood in loco parentis for one year or more immediately preceding his death.

5. "Parent or Parents" means natural parent or parents; parent or parents by adoption; or, person or persons, including stepparent or stepparents, who have stood in loco parentis to the deceased person for a period of one year or more immediately prior to entrance into the armed service of the United States.

6. "Veterans" means any person who shall have served in active duty in the armed forces of the United States at any time between September 16, 1940, and June 30, 1946, both dates inclusive, and who, at the time of commencing such service, was and had been a bona fide resident of the State of Oregon for at least one year immediately preceding the commencement of such service, and who shall have been separated from such service under honorable conditions, or who is still in such service, or who has been retired. [Created through initiative petition filed June 30, 1950, adopted by people Nov. 7, 1950]

Section 3. Amount of bonus. Every veteran who was in such service for a period of at least 90 days shall be entitled to receive compensation at the rate of Ten Dollars (\$10.00) for each full month during which such veteran was in active domestic service and Fifteen Dollars (\$15.00) for each full month during which such veteran was in active foreign service within said period of time. Any veteran who was serving on active duty in the armed forces between September 16, 1940, and June 30, 1946, whose services were terminated by reason of service-connected disabilities, and who, upon filing a claim for disabilities with the United States Veterans' Administration within three months after separation from the armed service, was rated not less than 50% disabled as a result of such claim, shall be deemed to have served sufficient time to entitle him or her to the maximum payment under this act [sic] and shall be so entitled. The maximum amount of compensation payable under this act [sic] shall be six hundred dollars (\$600.00) and no such compensation shall be paid to any veteran who shall have received from another state a bonus or compensation because of such military service. [Created through initiative petition filed June 30, 1950, adopted by people Nov. 7, 1950]

Section 4. Survivors of certain deceased veterans entitled to maximum amount. The survivor or survivors, of the deceased veteran whose death was caused or contributed to by a service-connected disease or disability incurred in service under conditions other than dishonorable, shall be entitled, in the order of survivorship pro-

vided in this act [sic], to receive the maximum amount of said compensation irrespective of the amount such deceased would have been entitled to receive if living. [Created through initiative petition filed June 30, 1950, adopted by people Nov. 7, 1950]

Section 5. Certain persons not eligible. No compensation shall be paid under this act [sic] to any veteran who, during the period of service refused on conscientious, political or other grounds to subject himself to full military discipline and unqualified service, or to any veteran for any periods of time spent under penal confinement during the period of active duty, or for service in the merchant marine: Provided, however, that for the purposes of this act [sic], active service in the chaplain corps, or medical corps shall be deemed unqualified service under full military discipline. [Created through initiative petition filed June 30, 1950, adopted by people Nov. 7, 1950]

Section 6. Order of distribution among survivors. The survivor or survivors of any deceased veteran who would have been entitled to compensation under this act [sic], other than those mentioned in Section 4 of this act [sic], shall be entitled to receive the same amount of compensation as said deceased veteran would have received, if living, which shall be distributed as follows:

1. To the husband or wife, as the case may be, the whole amount.

2. If there be no husband or wife, to the child or children, equally; and

3. If there be no husband or wife or child or children, to the parent or parents, equally. [Created through initiative petition filed June 30, 1950, adopted by people Nov. 7, 1950]

Section 7. Bonus not saleable or assignable; bonus free from creditors' claims and state taxes. No sale or assignment of any right or claim to compensation under this act [sic] shall be valid, no claims of creditors shall be enforceable against rights or claims to or payments of such compensation, and such compensation shall be exempt from all taxes imposed by the laws of this state. [Created through initiative petition filed June 30, 1950, adopted by people Nov. 7, 1950]

Section 8. Administration of article; rules and regulations. The director of Veterans' Affairs, State of Oregon, referred to herein as the "director" hereby is authorized and empowered, and it shall be his duty, to administer the provisions of this act [sic], and with the approval of the veterans advisory committee may make such rules and regulations as are deemed necessary to accomplish the purpose hereof. [Created through initiative petition filed June 30, 1950, adopted by people Nov. 7, 1950]

Section 9. Applications. All applications for certificates under this act [sic] shall be made within two years from the effective date hereof and upon forms to be supplied by the director. Said applications shall be duly verified by the claimant before a notary public or other person authorized to take acknowledgments, and shall set forth applicant's name, residence at the time of entry into the service, date and place of enlistment, induction or entry upon active federal service, beginning and ending dates of foreign service, date of discharge, retirement or release from active federal service, statement of time lost by reason of penal confinement during the period of active duty; together with the applicant's original discharge, or certificate in lieu of lost discharge, or certificate of service, or if the applicant has not been released at the time of application, a statement by competent military authority that the applicant during the period for which compensation is claimed did not refuse to subject himself to full military discipline and unqualified service, and that the applicant has not been separated from service under circumstances other than honorable. The director may require such further information to be included in such application as deemed necessary to enable him to determine the eligibility of the applicant. Such applications, together with satisfactory evidence of honorable service, shall be filed with the director. The director shall make such reasonable requirements for applicants as may be necessary to prevent fraud or the payment of compensation to persons not entitled thereto. [Created through initiative petition filed June 30, 1950, adopted by people Nov. 7, 1950]

Section 10. Furnishing forms; printing, office supplies and equipment; employes; payment of expenses. The director shall furnish free of charge, upon request, the necessary forms upon which applications may be made and may authorize the county clerks, Veterans organizations and other organizations, and notaries public willing to assist veterans without charge, to act for him in receiving application under this act [sic], and shall furnish such clerks, organizations and notaries public, with the proper forms for such purpose. The director hereby is authorized and directed with the approval of the veterans' advisory committee, to procure such printing, office supplies and equipment and to employ such persons as may be necessary in order to properly carry out the provisions of this act [sic], and all expense incurred by him in the administration thereof shall be paid out of the World War II Veterans' Compensation Fund, in the manner provided by law for payment of claims from other state funds. [Created through

initiative petition filed June 30, 1950, adopted by people Nov. 7, 1950)

**ARTICLE XI-G
HIGHER EDUCATION INSTITUTIONS
AND ACTIVITIES; COMMUNITY
COLLEGES**

- Sec. 1. State empowered to lend credit for financing higher education institutions and activities, and community colleges
- 2. Bonds
- 3. Sources of revenue

Section 1. State empowered to lend credit for financing higher education institutions and activities, and community colleges. (1) Notwithstanding the limitations contained in section 7, Article XI of this Constitution, and in addition to other exceptions from the limitations of such section, the credit of the state may be loaned and indebtedness incurred in an amount not to exceed at any time three-fourths of one percent of the true cash value of all taxable property in the state, as determined by law.

(2) Proceeds from any loan authorized or indebtedness incurred under this section shall be used to provide funds with which to construct, improve, repair, equip and furnish those buildings, structures and projects, or parts thereof, and to purchase or improve sites therefor, designated by the Legislative Assembly for higher education institutions and activities or for community colleges authorized by law to receive state aid.

(3) The amount of any loan authorized or indebtedness incurred under this section by means of bonds to be issued in any biennium shall not exceed the dollar amount appropriated from the General Fund for the same or similar purposes. Any dollar amounts appropriated to meet the requirements of this subsection shall be specifically designated therefor by the Legislative Assembly.

(4) Nothing in this section prevents the financing of buildings, structures and projects, or parts thereof, by a combination of the moneys available under this section, under Article XI-F(1) of this Constitution, and from other lawful sources. However, moneys available under this section shall not be expended on or for any buildings, structures or projects, or parts thereof, that are wholly self-liquidating and self-supporting. [Created through H.J.R. No. 8, 1963 (s.s.), adopted by people May 15, 1964; Amendment proposed by H.J.R. No. 2, 1967 (s.s.), and adopted by people May 28, 1968]

Section 2. Bonds. Bonds issued pursuant to this Article shall be the direct general obligations of the state and shall be in such form, run for such periods of time, and bear such rates of interest as the Legislative Assembly provides. Such bonds may be refunded

with bonds of like obligation. [Created through H.J.R. No. 8, 1963 (s.s.), adopted by people May 15, 1964]

Section 3. Sources of revenue. Ad valorem taxes shall be levied annually upon the taxable property within the State of Oregon in sufficient amount to provide for the prompt payment of bonds issued pursuant to this Article and the interest thereon. The Legislative Assembly may provide other revenues to supplement or replace, in whole or in part, such tax levies. [Created through H.J.R. No. 8, 1963 (s.s.), adopted by people May 15, 1964]

**ARTICLE XI-H
POLLUTION CONTROL**

- Sec. 1. State empowered to lend credit for financing pollution control facilities or related activities
- 2. Only facilities seventy percent self-supporting and self-liquidating authorized; exceptions
- 3. Authority of public bodies to receive funds
- 4. Source of revenue
- 5. Bonds
- 6. Legislation to effectuate Article

Section 1. State empowered to lend credit for financing pollution control facilities or related activities. In the manner provided by law and notwithstanding the limitations contained in sections 7 and 8, Article XI, of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred in an amount not to exceed, at any one time, one percent of the true cash value of all taxable property in the state:

(1) To provide funds to be advanced, by contract, grant, loan or otherwise, to any municipal corporation, city, county or agency of the State of Oregon, or combinations thereof, for the purpose of planning, acquisition, construction, alteration or improvement of facilities for or activities related to, the collection, treatment, dilution and disposal of all forms of waste in or upon the air, water and lands of this state; and

(2) To provide funds for the acquisition, by purchase, loan or otherwise, of bonds, notes or other obligations of any municipal corporation, city, county or agency of the State of Oregon, or combinations thereof, issued or made for the purposes of subsection (1) of this section. [Created through H.J.R. No. 14, 1969, and adopted by people May 26, 1970; amendment proposed by S.J.R. 41, 1989, and adopted by people May 22, 1990]

Section 2. Only facilities seventy percent self-supporting and self-liquidating authorized; exceptions. The facilities for which funds are advanced and for which bonds, notes or other obligations are issued or made and acquired pursuant to this Article shall be only such facilities as

conservatively appear to the agency designated by law to make the determination to be not less than 70 percent self-supporting and self-liquidating from revenues, gifts, grants from the Federal Government, user charges, assessments and other fees. This section shall not apply to any activities for which funds are advanced and shall not apply to facilities for the collection, treatment, dilution, removal and disposal of hazardous substances. [Created through H.J.R. No. 14, 1969, and adopted by people May 26, 1970; amendment proposed by S.J.R. 41, 1989, and adopted by people May 22, 1990]

Section 3. Authority of public bodies to receive funds. Notwithstanding the limitations contained in section 10, Article XI of this Constitution, municipal corporations, cities, counties, and agencies of the State of Oregon, or combinations thereof, may receive funds referred to in section 1 of this Article, by contract, grant, loan or otherwise and may also receive such funds through disposition to the state, by sale, loan or otherwise, of bonds, notes or other obligations issued or made for the purposes set forth in section 1 of this Article. [Created through H.J.R. No. 14, 1969, and adopted by people May 26, 1970]

Section 4. Sources of revenue. Ad valorem taxes shall be levied annually upon all taxable property within the State of Oregon in sufficient amount to provide, together with the revenues, gifts, grants from the Federal Government, user charges, assessments and other fees referred to in section 2 of this Article for the payment of indebtedness incurred by the state and the interest thereon. The Legislative Assembly may provide other revenues to supplement or replace such tax levies. [Created through H.J.R. No. 14, 1969, and adopted by people May 26, 1970]

Section 5. Bonds. Bonds issued pursuant to section 1 of this Article shall be the direct obligations of the state and shall be in such form, run for such periods of time, and bear such rates of interest, as shall be provided by law. Such bonds may be refunded with bonds of like obligation. [Created through H.J.R. No. 14, 1969, and adopted by people May 26, 1970]

Section 6. Legislation to effectuate Article. The Legislative Assembly shall enact legislation to carry out the provisions of this Article. This Article shall supersede all conflicting constitutional provisions and shall supersede any conflicting provision of a county or city charter or act of incorporation. [Created through H.J.R. No. 14, 1969, and adopted by people May 26, 1970]

**ARTICLE XI-I(1)
WATER DEVELOPMENT PROJECTS**

- Sec. 1. State empowered to lend credit to established Water Development Fund
- 2. Bonds
- 3. Refunding bonds
- 4. Source of revenue
- 5. Legislation to effectuate Article

Section 1. State empowered to lend credit to establish Water Development Fund; eligibility; use. Notwithstanding the limits contained in sections 7 and 8, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred in an amount not to exceed one and one-half percent of the true cash value of all the property in the state for the purpose of creating a fund to be known as the Water Development Fund. The fund shall be used to provide financing for loans for residents of this state for construction of water development projects for irrigation, drainage, fish protection, watershed restoration and municipal uses and for the acquisition of easements and rights of way for water development projects authorized by law. Secured repayment thereof shall be and is a prerequisite to the advancement of money from such fund. As used in this section, "resident" includes both natural persons and any corporation or cooperative, either for profit or nonprofit, whose principal income is from farming in Oregon or municipal or quasi-municipal or other body subject to the laws of the State of Oregon. Not less than 50 percent of the potential amount available from the fund will be reserved for irrigation and drainage projects. For municipal use, only municipalities and communities with populations less than 30,000 are eligible for loans from the fund. [Created through S.J.R. No. 1, 1977, adopted by people Nov. 8, 1977; amendment proposed by S.J.R. No. 6, 1981, adopted by people May 18, 1982; amendment proposed by H.J.R. 45, 1987, adopted by people May 17, 1988]

Section 2. Bonds. Bonds of the State of Oregon containing a direct promise on behalf of the state to pay the face value thereof, with the interest therein provided for, may be issued to an amount authorized by section 1 of this Article for the purpose of creating such fund. The bonds shall be a direct obligation of the state and shall be in such form and shall run for such periods of time and bear such rates of interest as provided by statute. [Created through S.J.R. No. 1, 1977, adopted by people Nov. 8, 1977]

Section 3. Refunding bonds. Refunding bonds may be issued and sold to refund any bonds issued under authority of sections 1 and 2 of this Article. There may be issued and outstanding at any time bonds aggregating the amount authorized by section 1 of this Article but at no time shall the total of

all bonds outstanding, including refunding bonds, exceed the amount so authorized. [Created through S.J.R. No. 1, 1977, adopted by people Nov. 8, 1977]

Section 4. Source of revenue. Ad valorem taxes shall be levied annually upon all the taxable property in the State of Oregon in sufficient amount to provide for the payment of principal and interest of the bonds issued pursuant to this Article. The Legislative Assembly may provide other revenues to supplement or replace, in whole or in part, such tax levies. [Created through S.J.R. No. 1, 1977, adopted by people Nov. 8, 1977]

Section 5. Legislation to effectuate Article. The Legislative Assembly shall enact legislation to carry out the provisions of this Article. This Article supersedes any conflicting provision of a county or city charter or act of incorporation. [Created through S.J.R. No. 1, 1977, adopted by people Nov. 8, 1977]

**ARTICLE XI-I(2)
MULTIFAMILY HOUSING FOR
ELDERLY AND DISABLED**

- Sec. 1. State empowered to lend credit for multifamily housing for elderly and disabled persons
- 2. Source of revenue
- 3. Bonds
- 4. Legislation to effectuate Article

Section 1. State empowered to lend credit for multifamily housing for elderly and disabled persons. In the manner provided by law and notwithstanding the limitations contained in section 7, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred in an amount not to exceed, at any one time, one-half of one percent of the true cash value of all taxable property in the state to provide funds to be advanced, by contract, grant, loan or otherwise, for the purpose of providing additional financing for multifamily housing for the elderly and for disabled persons. Multifamily housing means a structure or facility designed to contain more than one living unit. Additional financing may be provided to the elderly to purchase ownership interest in the structure or facility. [Created through H.J.R. No. 61, 1977, adopted by people May 23, 1978; amendment proposed by S.J.R. No. 34, 1979, adopted by people May 20, 1980; amendment proposed by H.J.R. No. 1, 1981, adopted by people May 18, 1982]

Section 2. Source of revenue. The bonds shall be payable from contract or loan proceeds; bond reserves; other funds available for these purposes; and, if necessary, state ad valorem taxes. [Created through H.J.R. No. 61, 1977, adopted by people May 23, 1978]

Section 3. Bonds. Bonds issued pursuant to section 1 of this Article shall be the direct obligations of the state and shall be in such form, run for such periods of time and bear such rates of interest as shall be provided by law. The bonds may be refunded with bonds of like obligation. [Created through H.J.R. No. 61, 1977, adopted by people May 23, 1978]

Section 4. Legislation to effectuate Article. The Legislative Assembly shall enact legislation to carry out the provisions of this Article. This Article shall supersede all conflicting constitutional provisions. [Created through H.J.R. No. 61, 1977, adopted by people May 23, 1978]

**ARTICLE XI-J
SMALL SCALE LOCAL ENERGY
LOANS**

- Sec. 1. State empowered to loan credit for small scale local energy loans
- 2. Bonds
- 3. Refunding bonds
- 4. Source of revenue
- 5. Legislation to effectuate Article

Section 1. State empowered to loan credit for small scale local energy loans; eligibility; use. Notwithstanding the limits contained in sections 7 and 8, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred in an amount not to exceed one-half of one percent of the true cash value of all the property in the state for the purpose of creating a fund to be known as the Small Scale Local Energy Project Loan Fund. The fund shall be used to provide financing for the development of small scale local energy projects. Secured repayment thereof shall be and is a prerequisite to the advancement of money from such fund. [Created through S.J.R. No. 24, 1979, adopted by people May 20, 1980]

Section 2. Bonds. Bonds of the State of Oregon containing a direct promise on behalf of the state to pay the face value thereof, with the interest therein provided for, may be issued to an amount authorized by section 1 of this Article for the purpose of creating such fund. The bonds shall be a direct obligation of the state and shall be in such form and shall run for such periods of time and bear such rates of interest as provided by statute. [Created through S.J.R. No. 24, 1979, adopted by people May 20, 1980]

Section 3. Refunding bonds. Refunding bonds may be issued and sold to refund any bonds issued under authority of sections 1 and 2 of this Article. There may be issued and outstanding at any time bonds aggregating the amount authorized by section 1 of this Article but at no time shall the total of all bonds outstanding including refunding

bonds, exceed the amount so authorized. [Created through S.J.R. No. 24, 1979, adopted by people May 20, 1980]

Section 4. Source of revenue. Ad valorem taxes shall be levied annually upon all the taxable property in the State of Oregon in sufficient amount to provide for the payment of principal and interest of the bonds issued pursuant to this Article. The Legislative Assembly may provide other revenues to supplement or replace, in whole or in part, such tax levies. [Created through S.J.R. No. 24, 1979, adopted by people May 20, 1980]

Section 5. Legislation to effectuate Article. The Legislative Assembly shall enact legislation to carry out the provisions of this Article. This Article supersedes any conflicting provision of a county or city charter or act of incorporation. [Created through S.J.R. No. 24, 1979, adopted by people May 20, 1980]

**ARTICLE XII
STATE PRINTING**

Section 1. State printing; State Printer. Laws may be enacted providing for the state printing and binding, and for the election or appointment of a state printer, who shall have had not less than ten years' experience in the art of printing. The state printer shall receive such compensation as may from time to time be provided by law. Until such laws shall be enacted the state printer shall be elected, and the printing done as heretofore provided by this constitution and the general laws. [Constitution of 1859; Amendment proposed by S.J.R. No. 1, 1901, and adopted by people June 6, 1904; Amendment proposed by initiative petition filed Feb. 3, 1906, and adopted by people June 4, 1906]

**ARTICLE XIII
SALARIES**

Section 1. Salaries or other compensation of state officers. [Constitution of 1859; Repeal proposed by S.J.R. No. 12, 1955, and adopted by people Nov. 6, 1956]

**ARTICLE XIV
SEAT OF GOVERNMENT**

- Sec. 1. Seat of government
- 2. Erection of state house prior to 1865

Section 1. Seat of government. [Constitution of 1859; Repeal proposed by S.J.R. No. 41, 1957, and adopted by people Nov. 4, 1958 (present section 1 and former 1958 section 3 of this Article adopted in lieu of this section and former original section 3 of this Article)]

Section 1. Seat of government. The permanent seat of government for the state

shall be Marion County. [Created through S.J.R. No. 41, 1957, adopted by people Nov. 4, 1958 (this section and former 1958 section 3 of this Article adopted in lieu of former original sections 1 and 3 of this Article)]

Section 2. Erection of state house prior to 1865. No tax shall be levied, or money of the State expended, or debt contracted for the erection of a State House prior to the year eighteen hundred and sixty five. —

Section 3. Limitation on removal of seat of government; location of state institutions. [Constitution of 1859; Amendment proposed by S.J.R. No. 1, 1907, and adopted by people June 1, 1908; Repeal proposed by S.J.R. No. 41, 1957, and adopted by people Nov. 4, 1958 (present section 1 and former 1958 section 3 of this Article adopted in lieu of this section and former section 1 of this Article)]

Section 3. Location and use of state institutions. [Created through S.J.R. No. 41, 1957, adopted by people Nov. 4, 1958 (this section, designated as "Section 2" by S.J.R. No. 41, 1957 and present section 1 of this Article adopted in lieu of former original sections 1 and 3 of this Article); Repeal proposed by S.J.R. No. 9, 1971, and approved by people Nov. 7, 1972]

**ARTICLE XV
MISCELLANEOUS**

- Sec. 1. Officers to hold office until successors elected; exceptions; effect on defeated incumbent
- 2. Tenure of office; how fixed; maximum tenure
- 3. Oaths of officer
- 4. Regulation of lotteries
- 5. Property of married women not subject to debts of husband; registration of separate property
- 6. Minimum area and population of counties
- 7. Officers not to receive fees from or represent claimants against state
- 8. Persons eligible to serve in legislature
- 9. When elective office becomes vacant

Section 1. Officers to hold office until successors elected; exceptions; effect on defeated incumbent. (1) All officers, except members of the Legislative Assembly and incumbents who seek reelection and are defeated, shall hold their offices until their successors are elected, and qualified.

(2) If an incumbent seeks reelection and is defeated, he shall hold office only until the end of his term; and if an election contest is pending in the courts regarding that office when the term of such an incumbent ends and a successor to the office has not been elected or if elected, has not qualified because of such election contest, the person appointed to fill the vacancy thus created shall serve only until the contest and any appeal is finally determined notwithstanding any other provision of this constitution. [Constitution of 1859; Amendment proposed by H.J.R. 51 (1969), and adopted by people Nov. 3, 1970]

Section 2. Tenure of office; how fixed; maximum tenure. When the duration of

any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment. But the Legislative Assembly shall not create any office, the tenure of which shall be longer than four years.

Section 3. Oaths of officer. Every person elected or appointed to any office under this Constitution, shall, before entering on the duties thereof, take an oath or affirmation to support the Constitution of the United States, and of this State, and also an oath of office. —

Section 4. Regulation of lotteries. (1) Except as provided in subsections (2), (3), (4), (5), and (6) of this section, lotteries and the sale of lottery tickets, for any purpose whatever, are prohibited, and the Legislative Assembly shall prevent the same by penal laws.

(2) The Legislative Assembly may provide for the establishment, operation, and regulation of raffles and the lottery commonly known as bingo or lotto by charitable, fraternal, or religious organizations. As used in this section, charitable, fraternal or religious organizations means such organizations or foundations as defined by law because of their charitable, fraternal, or religious purposes. The regulations shall define eligible organizations or foundations, and may prescribe the frequency of raffles, bingo or lotto, set a maximum monetary limit for prizes and require a statement of the odds on winning a prize. The Legislative Assembly shall vest the regulatory authority in any appropriate state agency.

(3) There is hereby created the State Lottery Commission which shall establish and operate a State Lottery. All proceeds from the State Lottery, including interest, but excluding costs of administration and payment of prizes, shall be used for the purpose of creating jobs and furthering economic development in Oregon.

(4)(a) The State Lottery Commission shall be comprised of five members appointed by the Governor and confirmed by the Senate who shall serve at the pleasure of the Governor. At least one of the Commissioners shall have a minimum of five years experience in law enforcement and at least one of the Commissioners shall be a certified public accountant. The Commission is empowered to promulgate rules related to the procedures of the Commission and the operation of the State Lottery. Such rules and any statutes enacted to further implement this article shall insure the integrity, security, honesty, and fairness of the Lottery. The Commission shall have such additional powers and duties as may be provided by law.

(b) The Governor shall appoint a Director subject to confirmation by the Senate who shall serve at the pleasure of the Governor. The Director shall be qualified by training and experience to direct the operations of a state-operated lottery. The Director shall be responsible for managing the affairs of the Commission. The Director may appoint and prescribe the duties of no more than four Assistant Directors as the Director deems necessary. One of the Assistant Directors shall be responsible for a security division to assure security, integrity, honesty, and fairness in the operation and administration of the State Lottery. To fulfill these responsibilities, the Assistant Director for security shall be qualified by training and experience, including at least five years of law enforcement experience, and knowledge and experience in computer security.

(c) The Governor shall appoint the Lottery Commissioners and the Director within thirty days of the effective date of this subsection.

(d) The Director shall implement and operate a State Lottery pursuant to the rules, and under the guidance, of the Commission. Within 105 days after the confirmation by the Senate of the Director and at least three Commissioners, the Director shall begin public sales of tickets or shares. The State Lottery may operate any game procedure authorized by the Commission, except parimutuel racing, Social games, and the games commonly known in Oregon as bingo or lotto, whereby prizes are distributed using any existing or future methods among adult persons who have paid for tickets or shares in that game; provided that, in lottery games utilizing computer terminals or other devices, no coins or currency shall ever be dispensed directly to players from such computer terminals or devices.

(e) There is hereby created within the General Fund the Oregon State Lottery Fund which is continuously appropriated for the purpose of administering and operating the Commission and the State Lottery. Except for such monies as are necessary to temporarily fund the start-up of the State Lottery, the State Lottery shall operate as a self-supporting revenue-raising agency of state government and no appropriations, loans, or other transfers of state funds shall be made to it. The State Lottery shall pay all prizes and all of its expenses out of the revenues it receives from the sale of tickets or shares to the public and turn over the net proceeds therefrom to a fund to be established by the Legislative Assembly from which the Legislative Assembly shall make appropriations for the benefit of the public purpose of creating jobs and furthering economic develop-

ment in Oregon. At least 84% of the total annual revenues from the sale of all lottery tickets or shares shall be returned to the public in the form of prizes and net revenues benefiting the public purpose.

(5) The Legislative Assembly or the Emergency Board shall loan the Commission the sum of One Million Eight Hundred Thousand Dollars (\$1,800,000) to temporarily fund the start-up of the Commission and the State Lottery. These funds shall be repaid as an expense of the Commission within one year of the transfer of the funds. Interest shall be paid at an annual interest rate of ten percent commencing the day funds are advanced and until the funds are repaid.

(6) Only one state lottery operation shall be permitted in the State. In the event more than one amendment of section 4, Article XV, which creates or authorizes a lottery is presented to, and passed by the people at the November 6, 1984 General Election, only the amendment receiving the greatest number of votes shall go into effect, and the other amendments shall not have the effect of creating or authorizing a lottery.

(7) The Legislative Assembly has no power to authorize, and shall prohibit, casinos from operation in the State of Oregon. [Constitution of 1859; Amendment proposed by H.J.R. No. 14, 1975, and adopted by people Nov. 2, 1976; Amendment proposed by initiative petition filed April 3, 1984, adopted by people Nov. 6, 1984. (Paragraph designations in subsection (4) were not included in the petition.); Amendment proposed by H.J.R. 20, 1985, and adopted by people Nov. 4, 1986]

Section 5. Property of married women not subject to debts of husband; registration of separate property. The property and pecuniary rights of every married woman, at the time of marriage or afterwards, acquired by gift, devise, or inheritance shall not be subject to the debts, or contracts of the husband; and laws shall be passed providing for the registration of the wife's separate (sic) property.

Section 6. Minimum area and population of counties. No county shall be reduced to an area of less than four hundred square miles; nor shall any new county be established in this State containing a less area, nor unless such new county shall contain a population of at least twelve hundred inhabitants.

Section 7. Officers not to receive fees from or represent claimants against state. No State officers, or members of the Legislative Assembly, shall directly or indirectly receive a fee, or be engaged as counsel, agent, or attorney in the prosecution of any claim against this State. —

Section 8. Chinamen not to hold real estate or mining claims; working mining claims. [Constitution

of 1859; Repeal proposed by S.J.R. No. 14, 1945, and adopted by people Nov. 5, 1946]

Section 8. Persons eligible to serve in legislature. Notwithstanding the provisions of section 1 article III and section 10 article II of the Constitution of the State of Oregon, a person employed by the State Board of Higher Education, a member of any school board or employee thereof, shall be eligible to a seat in the Legislative Assembly and such membership in the Legislative Assembly shall not prevent such person from being employed by the State Board of Higher Education or from being a member or employee of a school board. [Created through initiative petition filed June 13, 1958, adopted by people Nov. 4, 1958]

Section 9. When elective office becomes vacant. The Legislative Assembly may provide that any elective public office becomes vacant, under such conditions or circumstances as the Legislative Assembly may specify, whenever a person holding the office is elected to another public office more than 90 days prior to the expiration of the term of the office he is holding. For the purposes of this section, a person elected is considered to be elected as of the date the election is held. [Created through S.J.R. No. 41, 1959, adopted by people Nov. 8, 1960]

ARTICLE XVI BOUNDARIES

Section 1. State boundaries. The State of Oregon shall be bounded as provided by section 1 of the Act of Congress of February 1859, admitting the State of Oregon into the Union of the United States, until:

(1) Such boundaries are modified by appropriate interstate compact or compacts heretofore or hereafter approved by the Congress of the United States; or

(2) The Legislative Assembly by law extends the boundaries or jurisdiction of this state an additional distance seaward under authority of a law heretofore or hereafter enacted by the Congress of the United States. [Constitution of 1859; Amendment proposed by S.J.R. No. 4, 1957, and adopted by people Nov. 4, 1958; Amendment proposed by H.J.R. No. 24, 1967, and adopted by people Nov. 5, 1968]

ARTICLE XVII AMENDMENTS AND REVISIONS

- Sec. 1. Method of amending Constitution
2. Method of revising Constitution

Section 1. Method of amending Constitution. Any amendment or amendments to this Constitution may be proposed in either branch of the legislative assembly, and

if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered in their journals and referred by the secretary of state to the people for their approval or rejection, at the next regular general election, except when the legislative assembly shall order a special election for that purpose. If a majority of the electors voting on any such amendment shall vote in favor thereof, it shall thereby become a part of this Constitution. The votes for and against such amendment, or amendments, severally, whether proposed by the legislative assembly or by initiative petition, shall be canvassed by the secretary of state in the presence of the governor, and if it shall appear to the governor that the majority of the votes cast at said election on said amendment, or amendments, severally, are cast in favor thereof, it shall be his duty forthwith after such canvass, by his proclamation, to declare the said amendment, or amendments, severally, having received said majority of votes to have been adopted by the people of Oregon as part of the Constitution thereof, and the same shall be in effect as a part of the Constitution from the date of such proclamation. When two or more amendments shall be submitted in the manner aforesaid to the voters of this state at the same election, they shall be so submitted that each amendment shall be voted on separately. No convention shall be called to amend or propose amendments to this Constitution, or to propose a new Constitution, unless the law providing for such convention shall first be approved by the people on a referendum vote at a regular general election. This article shall not be construed to impair the right of the people to amend this Constitution by vote upon an initiative petition therefor. [Created through initiative petition filed Feb. 3, 1906, adopted by people June 4, 1906]

Note: The above section replaces sections 1 and 2 of Article XVII of the original Constitution.

Section 2. Method of revising Constitution. (1) In addition to the power to amend this Constitution granted by section 1, Article IV, and section 1 of this Article, a revision of all or part of this Constitution may be proposed in either house of the Legislative Assembly and, if the proposed revision is agreed to by at least two-thirds of all the members of each house, the proposed revision shall, with the yeas and nays thereon, be entered in their journals and referred by the Secretary of State to the people for their approval or rejection, notwithstanding section 1, Article IV of this Constitution, at the next regular state-wide primary election, except when the Legislative Assembly orders a special election for that purpose. A proposed

revision may deal with more than one subject and shall be voted upon as one question. The votes for and against the proposed revision shall be canvassed by the Secretary of State in the presence of the Governor and, if it appears to the Governor that the majority of the votes cast in the election on the proposed revision are in favor of the proposed revision, he shall, promptly following the canvass, declare, by his proclamation, that the proposed revision has received a majority of votes and has been adopted by the people as the Constitution of the State of Oregon or as a part of the Constitution of the State of Oregon, as the case may be. The revision shall be in effect as the Constitution or as a part of this Constitution from the date of such proclamation.

(2) Subject to subsection (3) of this section, an amendment proposed to the Constitution under section 1, Article IV, or under section 1 of this Article may be submitted to the people in the form of alternative provisions so that one provision will become a part of the Constitution if a proposed revision is adopted by the people and the other provision will become a part of the Constitution if a proposed revision is rejected by the people. A proposed amendment submitted in the form of alternative provisions as authorized by this subsection shall be voted upon as one question.

(3) Subsection (2) of this section applies only when:

(a) The Legislative Assembly proposes and refers to the people a revision under subsection (1) of this section; and

(b) An amendment is proposed under section 1, Article IV, or under section 1 of this Article; and

(c) The proposed amendment will be submitted to the people at an election held during the period between the adjournment of the legislative session at which the proposed revision is referred to the people and the next regular legislative session. [Created through H.J.R. No. 5, 1959, adopted by people Nov. 8, 1960]

**ARTICLE XVIII
SCHEDULE**

- Sec. 1. Election to accept or reject Constitution
- 2. Questions submitted to voters
- 3. Majority of votes required to accept or reject Constitution
- 4. Vote on certain sections of Constitution
- 5. Apportionment of Senators and Representatives
- 6. Election under Constitution; organization of state
- 7. Former laws continued in force
- 8. Officers to continue in office

- 9. Crimes against territory
- 10. Saving existing rights and liabilities
- 11. Judicial districts

Section 1. Election to accept or reject Constitution. For the purpose of taking the vote of the electors of the State, for the acceptance or rejection of this Constitution, an election shall be held on the second Monday of November, in the year 1857, to be conducted according to existing laws regulating the election of Delegates in Congress, so far as applicable, except as herein otherwise provided.

Section 2. Questions submitted to voters. Each elector who offers to vote upon this Constitution, shall be asked by the judges of election this question:

Do you vote for the Constitution? Yes, or No.

And also this question:

Do you vote for Slavery in Oregon? Yes, or No.

And also this question:

Do you vote for free Negroes in Oregon? Yes, or No.

And in the poll books shall be columns headed respectively.

"Constitution, Yes."	"Constitution, No"
"Free Negroes, Yes"	"Free Negroes, No."
"Slavery, Yes."	"Slavery, No". —

And the names of the electors shall be entered in the poll books, together with their answers (sic) to the said questions, under their appropriate heads. The abstracts of the votes transmitted to the Secretary of the Territory, shall be publicly opened, and canvassed by the Governor and Secretary, or by either of them in the absence of the other; and the Governor, or in his absence the Secretary, shall forthwith issue his proclamation, and publish the same in the several newspapers printed in this State, declaring the result of the said election upon each of said questions. —

Section 3. Majority of votes required to accept or reject Constitution. If a majority of all the votes given for, and against the Constitution, shall be given for the Constitution, then this Constitution shall be deemed to be approved, and accepted by the electors of the State, and shall take effect accordingly; and if a majority of such votes shall be given against the Constitution, then this Constitution shall be deemed to be rejected by the electors of the State, and shall be void. —

Section 4. Vote on certain sections of Constitution. If this Constitution shall be accepted by the electors, and a majority of all the votes given for, and against slavery,

shall be given for slavery, then the following section shall be added to the Bill of Rights, and shall be part of this Constitution:

"Sec. ____ "Persons lawfully held as slaves in any State, Territory, or District of the United States, under the laws thereof, may be brought into this State, and such Slaves, and their descendants may be held as slaves within this State, and shall not be emancipated without the consent of their owners."

And if a majority of such votes shall be given against slavery, then the foregoing section shall not, but the following sections shall be added to the Bill of Rights, and shall be a part of this Constitution.

"Sec. ____ There shall be neither slavery, nor involuntary servitude in the State, otherwise than as a punishment for crime, whereof the party shall have been duly convicted." —

And if a majority of all the votes given for, and against free negroes, shall be given against free negroes, then the following section shall be added to the Bill of Rights, and shall be part of this Constitution:

"Sec. ____ No free negro, or mulatto, not residing in this State at the time of the adoption of this Constitution, shall come, reside, or be within this State, or hold any real estate, or make any contracts, or maintain any suit therein; and the Legislative Assembly shall provide by penal laws, for the removal, by public officers, of all such negroes, and mulattoes, and for their effectual exclusion from the State, and for the punishment of persons who shall bring them into the State, or employ, or harbor them."

Note: See sections 34 and 35 of Article 1, Oregon Constitution.

Section 5. Apportionment of Senators and Representatives. Until an enumeration of the white inhabitants of the State shall be made, and the senators and representatives apportioned as directed in the Constitution, the County of Marion shall have two senators, and four representatives. —

Linn two senators, and four representatives.
Lane two senators, and three representatives (sic).

Clackamas and Wasco, one senator jointly, and Clackamas three representatives, and Wasco one representative. —

Yamhill one senator, and two representatives[.]

Polk one senator, and two representatives[.]

Benton one senator, and two representatives[.]

Multnomah, one senator, and two representatives.

Washington, Columbia, Clatsop, and Tillamook one senator jointly, and Washington one representative, and Washington and Columbia one representative jointly, and Clatsop and Tillamook one representative jointly. —

Douglas, one senator, and two representatives. —

Jackson one senator, and three representatives.

Josephine one senator, and one representative (sic). —

Umpqua, Coos and Curry, one senator jointly, and Umpqua one representative, and Coos and Curry one representative jointly. —

Section 6. Election under Constitution; organization of state. If this Constitution shall be ratified, an election shall be held on the first Monday of June 1858, for the election of members of the Legislative Assembly, a Representative in Congress, and State and County officers, and the Legislative Assembly shall convene at the Capital on the first Monday of July 1858, and proceed to elect two senators in Congress, and make such further provision as may be necessary to the complete organization of a State government. —

Section 7. Former laws continued in force. All laws in force in the Territory of Oregon when this Constitution takes effect, and consistent therewith, shall continue in force until altered, or repealed. —

Section 8. Officers to continue in office. All officers of the Territory of Oregon, or under its laws, when this Constitution

takes effect, shall continue in office, until superseded by the State authorities. —

Section 9. Crimes against territory. Crimes and misdemeanors committed against the Territory of Oregon shall be punished by the State, as they might have been punished by the Territory, if the change of government had not been made. —

Section 10. Saving existing rights and liabilities. All property and rights of the Territory, and of the several counties, subdivisions, and political bodies corporate, of, or in the Territory, including fines, penalties, forfeitures, debts and claims, of whatsoever nature, and recognizances, obligations, and undertakings to, or for the use of the Territory, or any county, political corporation, office, or otherwise, to or for the public, shall inure to the State, or remain to the county, local division, corporation, officer, or public, as if the change of government had not been made. And private rights shall not be affected by such change. —

Section 11. Judicial districts. Until otherwise provided by law, the judicial districts of the State, shall be constituted as follows: The counties of Jackson, Josephine, and Douglas, shall constitute the first district. The counties of Umpqua, Coos, Curry, Lane, and Benton, shall constitute the second district.—The counties of Linn, Marion, Polk, Yamhill and Washington, shall constitute the third district.—The counties of Clackamas, Multnomah, Wasco, Columbia, Clatsop, and Tillamook, shall constitute the fourth district—and the County of Tillamook shall be attached to the county of Clatsop for judicial purposes. —

Art.

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Oregon Admission Acts

(1991 EDITION)

ACT OF CONGRESS ADMITTING OREGON INTO UNION

[Approved February 14, 1859]

Preamble. Whereas the people of Oregon have framed, ratified, and adopted a constitution of State government which is republican in form, and in conformity with the Constitution of the United States, and have applied for admission into the Union on an equal footing with the other States; Therefore —

Section 1. Announcement of admission; boundaries of state; jurisdiction of river cases. That Oregon be, and she is hereby, received into the Union on an equal footing with the other States in all respects whatever, with the following boundaries: In order that the boundaries of the State may be known and established, it is hereby ordained and declared that the State of Oregon shall be bounded as follows, to wit: Beginning one marine league at sea due west from the point where the forty-second parallel of north latitude intersects the same; thence northerly, at the same distance from the line of the coast, lying west and opposite the State, including all islands within the jurisdiction of the United States, to a point due west and opposite the middle of the north ship channel of the Columbia River; thence easterly, to and up the middle channel of said river, and, where it is divided by islands, up the middle of the widest channel thereof, to a point near Fort Walla-Walla, where the forty-sixth parallel of north latitude crosses said river; thence east, on said parallel, to the middle of the main channel of the Shoshones or Snake River; thence up the middle of the main channel of said river, to the mouth of the Owyhee River; thence due south, to the parallel of latitude forty-two degrees north; thence west, along said parallel, to the place of beginning, including jurisdiction in civil and criminal cases upon the Columbia River and Snake River, concurrently with States and Territories of which those rivers form a boundary in common with this State. [11 Stat. 383 (1859)]

Section 2. Jurisdiction over waters forming boundary of state; use of navigable waters as free highways. That the said State of Oregon shall have concurrent jurisdiction on the Columbia and all other rivers and waters bordering on the said State of Oregon, so far as the same shall form a common boundary to said State, and any other State or States now or hereafter to be formed or bounded by the same; and said rivers and waters, and all the navigable waters of said State, shall be common highways and forever free, as well as to the inhabitants of said State as to all other citizens of the United States, without any tax, duty, impost, or toll therefor. [11 Stat. 383 (1859)]

Section 3. Representation in Congress. That until the next census and apportionment of representatives, the State of Oregon shall be entitled to one representative in the Congress of the United States. [11 Stat. 383 (1859)]

Section 4. Certain propositions offered to people of Oregon for acceptance or rejection. That the following propositions be, and the same are hereby, offered to the said people of Oregon for their free acceptance or rejection, which, if accepted, shall be obligatory on the United States and upon the said State of Oregon, to wit: First, That sections numbered sixteen and thirty-six in every township of public lands in said State, and where either of said sections, or any part thereof, has been sold or otherwise been disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to said State for the use of schools. Second, That seventy-two sections of land shall be set apart and reserved for the use and support of a State university, to be selected by the governor of said State, subject to the approval of the Commissioner of the General Land-Office, and to be appropriated and applied in such manner as the legislature of said State may prescribe for the purpose aforesaid, but for no other purpose. Third,

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That ten entire sections of land, to be selected by the governor of said State, in legal subdivisions, shall be granted to said State for the purpose of completing the public buildings, or for the erection of others at the seat of government, under the direction of the legislature thereof. Fourth. That all salt springs within said State, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to said State for its use, the same to be selected by the governor thereof within one year after the admission of said State, and when so selected, to be used or disposed of on such terms, conditions, and regulations as the legislature shall direct: Provided, That no salt spring or land, the right whereof is now vested in any individual or individuals, or which may be hereafter confirmed or adjudged to any individual or individuals, shall by this article be granted to said State. Fifth. That five per centum of the net proceeds of sales of all public lands lying within said State which shall be sold by Congress after the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to said State, for the purpose of making public roads and internal improvements, as the legislature shall direct: Provided, That the foregoing propositions,

hereinbefore offered, are on the condition that the people of Oregon shall provide by an ordinance, irrevocable without the consent of the United States, that said State shall never interfere with the primary disposal of the soil within the same by the United States, or with any regulations Congress may find necessary for securing the title in said soil to bona fide purchasers thereof; and that in no case shall non-resident proprietors be taxed higher than residents. Sixth. And that the said State shall never tax the lands or the property of the United States in said State: Provided, however, That in case any of the lands herein granted to the State of Oregon have heretofore been confirmed to the Territory of Oregon for the purposes specified in this act, the amount so confirmed shall be deducted from the quantity specified in this act. [11 Stat. 383 (1859)]

Note. By section 20 of the Act of August 14, 1848, establishing a territorial government for Oregon, the sixteenth and thirty-sixth sections were reserved for school purposes.

Section 5. Residue of Oregon Territory incorporated into Washington Territory. That until Congress shall otherwise direct, the residue of the Territory of Oregon shall be, and is hereby, incorporated into, and made a part of the Territory of Washington. [11 Stat. 383 (1859)]

ACCEPTANCE BY OREGON OF PROPOSITIONS OFFERED BY CONGRESS IN ADMISSION ACT

[Approved June 3, 1859]

Whereas, the Congress of the United States did pass an act, entitled "An Act for the admission of Oregon into the Union," approved the fourteenth day of February, one thousand eight hundred and fifty-nine; which said act contains the following propositions for the free acceptance or rejection of the people of the State of Oregon, in the words following: "§4. The following propositions be, and the same are hereby, offered to the said people of Oregon, for their free acceptance or rejection, which, if accepted, shall be obligatory on the United States and upon the said State of Oregon, to wit: First, That sections numbered sixteen and thirty-six in every township of public lands in said State, and where either of said sections, or any part thereof, has been sold or otherwise been disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to said State for the use of schools. Second, That seventy-two sections of land shall be set apart and reserved for the use and support

of a State university, to be selected by the governor of said State, subject to the approval of the Commissioner of the General Land-Office, and to be appropriated and applied in such manner as the legislature of said State may prescribe for the purpose aforesaid, but for no other purpose. Third. That ten entire sections of land, to be selected by the governor of said State, in legal subdivisions, shall be granted to said State for the purpose of completing the public buildings, or for the erection of others at the seat of government, under the direction of the legislature thereof. Fourth. That all salt springs within said State, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to said State for its use, the same to be selected by the governor thereof within one year after the admission of said State, and when so selected, to be used or disposed of on such terms, conditions, and regulations as the legislature shall

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direct: Provided, That no salt spring or land, the right whereof is vested in an individual or individuals, or which may be hereafter confirmed or adjudged to any individual or individuals, shall by this article be granted to said State. Fifth. That five per centum of the net proceeds of sales of all public lands lying within said State, which shall be sold by Congress after the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to said State for the purpose of making public roads and internal improvements, as the legislature shall direct: Provided, That the foregoing propositions, hereinbefore offered, are on the condition that the people of Oregon shall provide by an ordinance, irrevocable without the consent of the United States, that said State shall never interfere with the primary disposal of the soil within the same by the United States, or with any regulations Congress may find necessary for securing the title in said soil to bona fide purchasers thereof; and that in no case shall non-resident proprietors be taxed higher than residents. Sixth. And that the said State shall never tax the lands or the property of the United States in said State: Provided, however, That in case any of the lands herein granted to the State of Oregon have

heretofore been confirmed to the Territory of Oregon for the purposes specified in this act, the amount so confirmed shall be deducted from the quantity specified in this act." Therefore,

Section 1. Be it enacted by the Legislative Assembly of the State of Oregon, That the six propositions offered to the people of Oregon in the above-recited portion of the act of Congress aforesaid, be, and each and all of them are hereby accepted; and for the purpose of complying with each and all of said propositions hereinbefore recited, the following ordinance is declared to be irrevocable without the consent of the United States, to wit:

Be it ordained by the Legislative Assembly of the State of Oregon, That the said State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers thereof; and that in no case shall non-resident proprietors be taxed higher than residents. And that the said State shall never tax the lands or property of the United States within said State. [1859 (First extra session) p. 29]

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