Chapter 250 — Initiative and Referendum

2001 EDITION

GENERAL PROVISIONS

250.005 Definitions

250.015 Form of petition; numbering of signature sheets

250.025 Qualifications for signers of petition; removal of signatures

250.029 Withdrawal of initiative or referendum petition; form

250.031 Rules for conduct of election under section 11, Article XI of Oregon Constitution

250.035 Form of ballot titles for state and local measures

250.036 Form of ballot title for measure subject to section 11 (8), Article XI of Oregon Constitution; exception

250.037 Form of ballot title for measure requesting approval of certain bonds; elections by mail

250.038 Form of ballot title for measure authorizing imposition of local option taxes or establishing permanent rate limitation; elections by mail

250.041 Applicability of ORS 250.005 to 250.037 to counties and cities

250.043 Acceptance of initiative or referendum petition without original signatures

250.044 Actions challenging constitutionality of state measure to be filed in Marion County Circuit Court

STATE MEASURES

250.045 Submitting prospective petition; form of petition; statement regarding payment of petition circulators; signature sheet requirements

250.065 Preparation of ballot title for certain state measures

250.067 Notice of draft ballot title; written comments; certification of title

250.075 Legislature may prepare ballot titles for certain measures

250.085 Procedure for elector dissatisfied with title of state measure; Supreme Court review of title

250.095 State measures affecting a county or district

250.105 Filing officer; filing requirements; signature verification

250.115 Numbering of state measures

250.125 Estimate of financial impact of state measures

250.127 Preparation and filing of estimates of financial impact of state measure

250.131 Court review of procedures under which estimates of financial impact of state measure were prepared

250.135 Retention of petition materials

COUNTY MEASURES

250.155 Application of subchapter

250.165 Submitting prospective petition; form of petition; statement regarding payment of petition circulators; signature sheet requirements; annual statement

250.168 One subject determination; notice; appeal

250.175 Preparation of ballot title for certain county measures; notice

250.185 County governing body may prepare ballot titles for certain measures

250.195 Procedure for elector dissatisfied with title of county measure

250.205 Filing and signature requirements for nonhome rule counties

250.215 Filing officer for county measure; filing requirements; signature verification

250.221 Date of election

250.235 Retention of petition materials

CITY MEASURES

250.255 Application of subchapter

250.265 Submitting prospective petition; form of petition; statement regarding payment of petition circulators; signature sheet requirements; annual statement

250.270 One subject determination; notice; appeal

250.275 Preparation of ballot title for certain city measures; notice

250.285 City governing body may prepare ballot titles for certain measures

250.296 Procedure for elector dissatisfied with title of city measure

250.305 Signature requirements

250.315 Filing officer; filing requirements; signature verification

250.325 Procedure following filing of initiative petition

250.346 Retention of petition materials

250.355 Date of election

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.68 §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]

250.029 Withdrawal of initiative or referendum petition; form. The chief petitioners of an initiative or referendum petition may withdraw the petition at any time prior to the submission of the petition for signature verification. The Secretary of State by rule shall design a form for use in filing a withdrawal of any initiative or referendum petition. The withdrawal form must be signed by all of the chief petitioners and filed with the filing officer. [1995 c.607 §25]

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]

250.031 Rules for conduct of election under section 11, Article XI of Oregon Constitution. The Secretary of State shall adopt administrative rules for the conduct of elections under section 11, Article XI of the Oregon Constitution, that include but are not limited to provisions that:
(1) Set forth the requirements for an election to which section 11 (8), Article XI of the Oregon Constitution, is applicable that are consistent with the voter registration requirements of ORS chapter 247 and with the federal National Voter Registration Act of 1993 (P.L. 103-31);
(2) Provide directions to election officers for calculating whether the required number of registered voters eligible to vote voted in the election; and
(3) Interpret the words “cast a ballot” in section 11 (8), Article XI of the Oregon Constitution, as meaning that a ballot was lawfully cast, whether or not the vote of that ballot may lawfully be counted for reasons other than the eligibility of the voter to vote. [1997 c.541 §310]

250.035 Form of ballot titles for state and local measures. (1) The ballot title of any measure, other than a state 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 175 words summarizing the measure and its major effect.

(2) The ballot title of any state measure to be initiated or referred shall consist of:

(a) A caption of not more than 15 words that reasonably identifies the subject matter of the state measure. The caption of an initiative or referendum amendment to the constitution shall begin with the phrase, “Amends Constitution,” which shall not be counted for purposes of the 15-word caption limit;

(b) A simple and understandable statement of not more than 25 words that describes the result if the state measure is approved. The statement required by this paragraph shall include either the phrase, “I vote” or “vote yes,” or a substantially similar phrase, which may be placed at any point within the statement;

(c) A simple and understandable statement of not more than 25 words that describes the result if the state measure is rejected. The statement required by this paragraph shall not describe existing statutory or constitutional provisions in a way that would lead an average elector to believe incorrectly that one of those provisions would be repealed by approval of the state measure, if approval would not have that result. Any thing or action described both in the statement required by paragraph (b) of this subsection and in the statement required by this paragraph shall be described using the same terms in both statements, to the extent practical. Any different terms must be terms that an average elector would understand to refer to the same thing or action. The statement shall include either the phrase, “I vote” or “vote no,” or a substantially similar phrase, which may be placed at any point within the statement; and

(d) A concise and impartial statement of not more than 125 words summarizing the state measure and its major effect.

(3) The statements required by subsection (2)(b) and (c) of this section shall be written so that, to the extent practicable, the language of the two statements is parallel.

(4) The statement required by subsection (2)(b) of this section shall be written so that an affirmative response to the statement corresponds to an affirmative vote on the state measure.

(5) The statement required by subsection (2)(c) of this section shall be written so that an affirmative response to the statement corresponds to a negative vote on the state measure.

(6) To avoid confusion, a ballot title shall not resemble any title previously filed for a measure to be submitted at that election.

(7) In the statements required by subsection (2)(b), (c) and (d) of this section, reasonable discretion shall be allowed in the use of articles and conjunctions, but the statements shall not omit articles and conjunctions that are necessary to avoid confusion to or misunderstanding by an average elector. [1979 c.190 §143; 1979 c.675 §1; 1985 c.405 §1; 1987 c.556 §1; 1987 c.875 §1; 1995 c.534 §1; 1997 c.541 §312; 1999 c.793 §1; 2001 c.104 §78]

250.036 Form of ballot title for measure subject to section 11 (8), Article XI of Oregon Constitution; exception. (1) Notwithstanding any other provision of law, all ballot titles subject to section 11 (8), Article XI of the Oregon Constitution, shall include the following statement as the first statement of the ballot title summary:

This measure may be passed only at an election with at least a 50 percent voter turnout.

---

(2) As used in this section, “at least a 50 percent voter turnout” means a voter turnout that meets the requirements of section 11 (8), Article XI of the Oregon Constitution.

(3) The statement required by this section shall not be counted in determining the word count requirements of ORS 250.035.

(4) Subsection (1) of this section shall not apply to the ballot title of a measure submitted to voters in a general election in an even-numbered year. [1997 c.541 §311]

250.037 Form of ballot title for measure requesting approval of certain bonds; elections by mail. (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 sections 11 and 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 sections 11 and 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.

(3) The ballot title statement for any measure requesting elector approval of bonds, the principal and interest on which is to be payable from taxes imposed on property or property ownership that are not subject to the limitations of sections 11 and 11b, Article XI of the Oregon Constitution, shall contain, in addition to the other requirements of ORS 250.035 and this section, a reasonably detailed, simple and understandable description of the use of proceeds.

(4) If the election for a measure to which this section applies is to be conducted by mail, the front of the outer envelope in which the ballot title is mailed shall state, clearly and boldly printed in red, “CONTAINS VOTE ON PROPOSED TAX INCREASE.” [1991 c.902 §119; 1997 c.541 §313]

250.038 Form of ballot title for measure authorizing imposition of local option taxes or establishing permanent rate limitation; elections by mail. In addition to meeting other applicable requirements of this chapter:

(1) The ballot title for a measure authorizing the imposition of local option taxes shall contain the statement required by ORS 280.070 (4)(a) and the information required by ORS 280.070 (5);

(2) The ballot title for a measure authorizing the establishment of a permanent rate limitation shall contain the information required by ORS 280.070 (6); and

(3) If the election on a measure authorizing the imposition of local option taxes or the establishment of a permanent rate limitation is to be conducted by mail, the front of the outer envelope in which the ballot title is mailed shall state, clearly and boldly printed in red, “CONTAINS VOTE ON PROPOSED TAX INCREASE.” [1999 c.632 §25]

250.039 [Formerly ORS 250.055; repealed by 1995 c.534 §19]

250.040 [Repealed by 1957 c.608 §231]

250.041 Applicability of ORS 250.005 to 250.037 to counties and cities. ORS 250.005 to 250.037 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 elections 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]

250.044 Actions challenging constitutionality of state measure to be filed in Marion County Circuit Court. (1) An action that challenges the constitutionality of a measure initiated by the people or referred to the people for a

vote must be commenced in the Circuit Court for Marion County if:

(a) The action is filed by a plaintiff asserting a claim for relief that challenges the constitutionality of a state statute or an amendment to the Oregon Constitution initiated by the people or referred to the people under section 1 (1) to (4), Article IV of the Oregon Constitution;

(b) The action is commenced on or after the date that the Secretary of State certifies that the challenged measure has been adopted by the electors and within 180 days after the effective date of the measure; and

(c) The action may not be commenced in the Oregon Tax Court.

(2) An action under subsection (1) of this section must be within the jurisdiction of circuit courts and must present a justiciable controversy. The plaintiff in an action subject to the requirements of this section must serve a copy of the complaint on the Attorney General.

(3) If an action subject to the requirements of this section is filed in a court other than the Circuit Court for Marion County, the other court, on its own motion or the motion of any party to the action, shall dismiss the action or transfer the action to the Circuit Court for Marion County.

(4) This section does not apply to any civil or criminal proceeding in which the constitutionality of a state statute or provision of the Oregon Constitution is challenged in a responsive pleading.

(5) If a judgment in an action subject to the requirements of this section holds that a challenged measure is invalid in whole or in part, a party to the action may appeal the judgment only by filing a notice of appeal directly with the Supreme Court within the time and in the manner specified in ORS chapter 19 for civil appeals to the Court of Appeals. Any party filing a notice of appeal under this subsection must note in the notice of appeal that the case is subject to this subsection.

(6) If a judgment in an action subject to the requirements of this section holds that a challenged measure is valid, a party to the action may appeal the judgment by filing a notice of appeal in the Court of Appeals within the time and in the manner specified in ORS chapter 19 for civil appeals. Notwithstanding ORS 19.405 (1), the party may move the Court of Appeals to certify the appeal to the Supreme Court, and the Court of Appeals acting in its sole discretion may so certify the appeal. If the Court of Appeals certifies the appeal to the Supreme Court, the Supreme Court shall accept or deny acceptance of the certification as provided in ORS 19.405 (2). [1997 c.794 §2]

STATE MEASURES

250.045 Submitting prospective petition; form of petition; statement regarding payment of petition circulators; signature sheet requirements. (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 statement of sponsorship shall be attached to a full and correct copy of the measure to be initiated. 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 approve or disapprove the form of any petition signature sheet within five business days after the signature sheet is submitted for review by the secretary. 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) The cover of an initiative or referendum petition shall designate the name and residence address of not more than three persons as chief petitioners and shall contain instructions for persons obtaining signatures of electors on the petition. The instructions shall be adopted by the Secretary of State by rule. 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)(a) 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 subject expressed in the title of the Act to be referred.

(b) Each sheet of signatures on an initiative or referendum petition shall:

(A) Contain only the signatures of electors of one county; and

(B) If one or more persons will be paid for obtaining signatures of electors on the petition, contain a notice stating: “Some Circulators For This Petition Are Being Paid.” The notice shall be in boldfaced type and shall be prominently displayed on the sheet.

(c) 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.

(6) The reverse side of the cover of an initiative or referendum petition shall be used for obtaining signatures on an initiative or referendum petition.

(7) Not more than 20 signatures on the signature sheet of the initiative or referendum petition shall be counted. The circulator shall certify on each signature sheet of the initiative or referendum petition that the individuals signed the sheet in the presence of the circulator and that the circulator believes each individual is an elector.

(8) The person obtaining signatures on the petition shall carry at least one full and correct copy of the measure to be initiated or referred and shall allow any person to review a copy upon request of the person. [1979 c.190 §144; 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; 1992 c.1 §1; 1995 c.607 §26; 1997 c.846 §1; 1999 c.262 §2; 1999 c.318 §27; 1999 c.793 §2; 2001 c.965 §4]

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 state 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. On the next business day after the deadline for submitting comments to the Secretary of State, the secretary shall send a copy of all written comments to the Attorney General. The secretary 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 10th 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; 2001 c.802 §1]

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 the referred measure and the draft ballot title and a certificate of mailing of the draft ballot title to each member. [Formerly 254.073; 1985 c.447 §3; 1995 c.607 §27]

250.080 [Amended by 1979 c.190 §242; renumbered 254.185]

250.085 Procedure for elector dissatisfied with title of state measure; Supreme Court review of title. (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 that the title filed with the Secretary of State does not substantially comply with the requirements of ORS 250.035.

(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 that the title filed with the Secretary of State does not substantially comply with the requirements of ORS 250.035.

(3) The petition shall name the Attorney General as the respondent and 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 Legislative Assembly files the ballot title with the Secretary of State.

(4) An elector filing a petition under this section shall notify the Secretary of State in writing that the petition has been filed. The notice must be received in the office of the Secretary of State not later than 5 p.m. on the next business day following the day the petition is filed.

(5) The Supreme Court shall review the title for substantial compliance with the requirements of ORS 250.035.

(6) When reviewing a title prepared by the Attorney General, the Supreme 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.

(7) The review by the Supreme Court shall be conducted expeditiously to ensure the orderly and timely circulation of the petition or conduct of the election at which the measure is to be submitted to the electors.

(8) If the Supreme Court determines that the title certified by the Attorney General or prepared by the Legislative Assembly substantially complies with the requirements of ORS 250.035, the court shall certify the title to the Secretary of State. If the Supreme Court determines that the title certified by the Attorney General or prepared by the Legislative

Assembly does not substantially comply with the requirements of ORS 250.035, the court shall modify the ballot title and certify the ballot title to the Secretary of State or refer the ballot title to the Attorney General for modification.

(9) Not later than five business days after the Supreme Court refers a ballot title to the Attorney General under this section, the Attorney General shall file a modified ballot title with the Supreme Court and serve copies of the modified ballot title on all parties to the ballot title review proceeding. If no party to the ballot title review proceeding files an objection to the modified ballot title within five business days after the date the modified ballot title is filed, the Supreme Court shall certify the modified ballot title to the Secretary of State and enter an appellate judgment the next judicial day. If any of the parties to the ballot title review proceeding timely files a petition objecting to the modified ballot title, the Supreme Court shall review the modified ballot title to determine whether the modified ballot title substantially complies with the requirements of ORS 250.035.

(10) Upon the filing of a petition under subsection (9) of this section objecting to a modified ballot title:

(a) If the Supreme Court determines that the modified ballot title substantially complies with the requirements of ORS 250.035, the court shall certify the modified ballot title to the Secretary of State; or

(b) If the Supreme Court determines that the modified ballot title does not substantially comply with the requirements of ORS 250.035, the court shall modify the ballot title and certify the ballot title to the Secretary of State or refer the modified ballot title to the Attorney General for additional modification and further proceedings under subsection (9) of this section. [Formerly 254.077; 1983 c.514 §9; 1985 c.447 §6; 1987 c.519 §2; 1989 c.503 §6; 1993 c.493 §96; 1995 c.534 §2; 2001 c.802 §2]

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 required 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. If two samplings are required under this subsection, the total number of signatures verified on the petition shall be not less than five percent of the total number of signatures on the petition.

(5) For purposes of estimating the number of duplicate signatures contained in a petition, the Secretary of State shall apply at least an eight percent duplication rate in the first sampling of signatures on all petitions. If a second sampling of signatures is required under subsection (4) of this section, the secretary shall calculate an estimated signature duplication rate for each petition for which a second sampling is required. For purposes of calculating an estimated signature duplication rate for each petition for which a second sampling is required, the county clerks shall report to the secretary the number of electors determined to have signed a specific petition more than once.

(6) When verifying signatures for a state initiative or referendum petition, the county clerk shall identify on an elector’s voter registration record or other database that the elector signed the specific initiative or referendum petition.

(7) The Secretary of State may employ professional assistance to determine the sampling technique to be designated under subsection (4) of this section. [1979 c.190 §149; 1985 c.447 §7; 1989 c.68 §6; 1999 c.1021 §1]

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 of state measures. (1) The Secretary of State shall number the measures to be voted on in the state at large consecutively and shall not repeat any number in any subsequent election. For each election, the numbers assigned shall begin with the number after the last number assigned under this section at the previous election. The measures shall be assigned numbers 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; 1993 c.493 §14; 2001 c.267 §1]

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 Oregon Department of Administrative Services 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 any city, county or district 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 on state or local government expenditures or revenues" shall be printed in the voters' pamphlet and on the ballot.

(5) The Legislative Administration Committee shall provide any administrative staff assistance required by the officials named in subsection (1) of this section to facilitate the work of the officials under this section or ORS 250.127. [Formerly 254.180; 1987 c.724 §6; 1991 c.971 §1; 1993 c.493 §15; 1999 c.844 §1]

250.127 Preparation and filing of estimates of financial impact of state measure. (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 officials named in ORS 250.125 shall prepare and file with the Secretary of State, estimates as described in ORS 250.125. The officials named in ORS 250.125 may begin preparation of the estimates described in ORS 250.125 on the date that a petition is accepted for verification of signatures under ORS 250.105 or the date that a measure referred by the Legislative Assembly is filed with the Secretary of State, whichever is applicable.

(2) Not 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 or other information. At the hearing any person may submit suggested changes or other information orally or in writing. Written suggestions or other information also may be submitted at any time before the hearing.

(3) The officials named in ORS 250.125 shall consider suggestions and any other information 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 two or more 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.

(8) If the estimates are not delivered to the county clerk by the 61st day before the election, the county clerk may proceed with the printing of ballots. The county clerk shall not be required to reprint ballots to include the estimates or to provide supplemental information that includes the estimates. [1991 c.971 §3; 1993 c.493 §16; 1995 c.712 §33; 1999 c.318 §19; 2001 c.965 §8]

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; signature sheet requirements; 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) The cover of an initiative or referendum petition shall designate the name and residence address of not more than three persons as chief petitioners and shall contain instructions for persons obtaining signatures of electors on the petition. The instructions shall be adopted by the Secretary of State by rule. 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)(a) 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.

(b) Each sheet of signatures on an initiative or referendum petition shall, if one or more persons will be paid for obtaining signatures of electors on the petition, contain a notice stating: “Some Circulators For This Petition Are Being Paid.”

(5) The reverse side of the cover of an initiative or referendum petition shall be used for obtaining signatures on an initiative or referendum petition.

(6) Not more than 20 signatures on the signature sheet of the initiative or referendum petition shall be counted. The circulator shall certify on each signature sheet that the individuals signed the 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.

(10) The person obtaining signatures on the petition shall carry at least one full and correct copy of the measure to be initiated or referred and shall allow any person to review a copy upon request of the person. [1979 c.190 §154; 1981 c.909 §3; 1983 c.756 §10; 1991 c.106 §1; 1992 c.1 §2; 1995 c.607 §28; 1997 c.846 §2; 1999 c.318 §28; 2001 c.965 §5]

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 county 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. [1979 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 different title and stating the reasons the title filed

with the court is insufficient, not concise or unfair. The petition shall name as respondent either the district attorney or county governing body, depending on who prepared the ballot title, and 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.

(2) An elector filing a petition under this section shall notify the county clerk in writing that the petition has been filed. The notice shall be given not later than 5 p.m. on the next business day following the day the petition is filed.

(3) 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; 1993 c.493 §97; 1995 c.534 §3]

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 for verification of signatures.

(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 for verification of signatures. [1979 c.190 §158; 1995 c.607 §29]

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 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 §159; 1989 c.68 §7; 1991 c.580 §2]

250.220 [Amended by 1957 c.608 §135; 1961 c.89 §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; signature sheet requirements; 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) The cover of an initiative or referendum petition shall designate the name and residence address of not more than three persons as chief petitioners and shall contain instructions for persons obtaining signatures of electors on the petition. The instructions shall be adopted by the Secretary of State by rule. The cover of a referendum petition 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)(a) 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.

(b) Each sheet of signatures on an initiative or referendum petition shall, if one or more persons will be paid for obtaining signatures of electors on the petition, contain a notice stating: “Some Circulators For This Petition Are Being Paid.”

(5) The reverse side of the cover of an initiative or referendum petition shall be used for obtaining signatures on an initiative or referendum petition.

(6) Not more than 20 signatures on the signature sheet of the initiative or referendum petition shall be counted. The circulator shall certify on each signature sheet that the individuals signed the 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.

(10) The person obtaining signatures on the petition shall carry at least one full and correct copy of the measure to be initiated or referred and shall allow any person to review a copy upon request of the person. [1979 c.190 §163; 1981 c.909 §6; 1983 c.756 §11; 1991 c.106 §2; 1992 c.1 §3; 1995 c.607 §30; 1997 c.846 §3; 1999 c.318 §29; 2001

c.965 §6]

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 city 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 attorney. 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 §395; 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 shall name as respondent the city attorney or city governing body, depending on who prepared the ballot title, and 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.

(2) An elector filing a petition under this section shall notify the city elections officer in writing that the petition has been filed. The notice shall be given not later than 5 p.m. on the next business day following the day the petition is filed.

(3) 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; 1993 c.493 §98; 1995 c.534 §4]

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; 1981 c.909 §7; 1987 c.471 §1]

250.330 [Amended by 1957 c.608 §138; 1979 c.190 §252; 1979 c.749 §3; renumbered 254.295]

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 §1]

250.582 [1971 c.29 §§10,11; repealed by 1973 c.125 §1]

250.584 [1971 c.29 §12; repealed by 1973 c.125 §1]

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]