Chapter 255

2009 EDITION

Special District 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 elections 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) "Elections 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 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) "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255.010 [Repealed by 1957 c.608 §231]

255.011 [1957 c.608 §190; 1965 c.39 §1; 1971 c.733 §1; repealed by 1973 c.155 §1 (255.001 enacted in lieu of 255.011)]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, water authority or joint water and sanitary authority organized under ORS 450.600 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 568.810 and 568.900 to 568.933.

(30) A heritage district organized under ORS 358.442 to 358.474.

(31) A radio and data district organized under ORS 403.500 to 403.542. [Formerly 259.020; 1981 c.226 §16; 1983 c.238 §1; 1983 c.350 §70; 1993 c.577 §18; 2007 c.562 §24; 2009 c.584 §23]

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; metropolitan service district candidates. (1) Except as otherwise specifically provided in this section or 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.

(3) Except as otherwise provided by the law under which the district is formed or is operating, candidates for any elected office of a metropolitan service district organized under ORS chapter 268 shall be nominated and elected in accordance with ORS chapter 249. [Formerly 259.040; 1995 c.607 §47]

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 elections officer to obtain advice and assistance. In performing functions under this chapter, the elections officer may request the advice and assistance of the district elections authority or the officers of the district. Upon receipt of a request, a district elections 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 elections officer. [1979 c.190 §285]

255.050 [Amended by 1955 c.96 §1; repealed by 1957 c.608 §231]

255.051 [1957 c.608 §194; 1959 c.457 §3; 1969 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 elections authority of responsibility to conduct district election. The elections officer may delegate to the district elections authority at the request of the district elections authority any responsibility to conduct the district election, in whole or in part, if the elections officer determines that:

(1) The election will be conducted in accordance with this chapter; and

(2) No inconvenience for electors of the district will result. [Formerly 259.035; 2007 c.154 §50]

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 elections authority. Unless specifically provided otherwise, when the district elections 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 elections 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; rules. (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 election or general election, the elections officer shall deliver to each district elections 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 election or general election, the district elections authority shall return to the elections officer the form for updating information on members of district boards.

(3) The elections officer shall prepare the notice required by ORS 255.075 by using the form completed by the district elections authority and any other information available. If the form is not returned by the district elections authority by the deadline specified in subsection (2) of this section, the elections officer shall prepare the notice for the district using the most current information available. If the form is returned by the district elections authority after the deadline, the elections 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 elections 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 elections 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 elections officer and the district elections authority shall use in maintaining adequate records for preparation of the form required under subsection (1) of this section. [1991 c.719 §58; 1995 c.712 §69]

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; rules. (1) When a district election is to be held for the purpose of electing members of the district board, the elections 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 elections 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 elections 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 elections officer shall follow in maintaining adequate records for preparation of the notice required under subsection (1) of this section. [Formerly 259.080; 1981 c.639 §6; 1983 c.379 §1; 1985 c.808 §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, the district elections authority shall deliver to the elections officer a notice stating the date of the election and a ballot title. The district elections 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 elections officer or an attorney employed by the district elections authority.

(2) If a district submits a measure to the electors of the district at an election held on 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 first Tuesday after the first Monday in November, the district elections authority shall file the measure for the election held on the first Tuesday after the first Monday in November with the elections officer not later than the 47th day before an election held on 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 elections 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 elections authority, the elections officer shall publish the notice of election in the next available edition of a newspaper of general circulation in the district after the

notice of election is filed. The notice shall also state that an elector may file a petition for review of the ballot title not later than the date referred to in ORS 255.155. If the circuit court certifies a different ballot title, the elections 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 elections officer. [Formerly 259.090; 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; 1993 c.493 §46; 1993 c.713 §59; 1995 c.712 §120]

255.090 [Repealed by 1957 c.608 §231]

255.095 [Formerly 259.100; 1983 c.379 §3; 1999 c.410 §64; repealed by 2007 c.154 §67]

INITIATIVE AND REFERENDUM

255.115 Definitions for ORS 255.125 to 255.205. As used in ORS 255.125 to 255.205, "district" means a district referred to in section 1 (5), 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; signature sheet requirements; annual statement. (1) Before circulating a petition to initiate or refer a district measure, the petitioner shall file with the elections officer a prospective petition. The elections 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 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)(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 to be referred and the date it was adopted by the district board.

(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 circulator:

(a) Witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet; and

(b) 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 elections officer a statement that the initiative petition is still active; and

(b) May submit to the 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 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) The 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 §292; 1981 c.909 §8; 1983 c.756 §12; 1991 c.106 §3; 1992 c.1 §4; 1995 c.607 §48; 1997 c.846 §4; 1999 c.318 §30; 2001 c.965 §7; 2007 c.848 §18]

255.140 Determination of compliance with constitutional provisions; notice; appeal. (1) Not later than the fifth business day after receiving a prospective petition for an initiative measure, the elections officer shall determine in writing whether the initiative measure meets the requirements of section 1 (2)(d) and (5), Article IV of the Oregon Constitution.

(2) If the elections officer determines that the initiative measure meets the requirements of section 1 (2)(d) and (5), Article IV of the Oregon Constitution, the elections officer shall proceed as required in ORS 255.145. The elections 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) and (5), Article IV of the Oregon Constitution.

(3) If the elections officer determines that the initiative measure does not meet the requirements of section 1 (2)(d) and (5), Article IV of the Oregon Constitution, the 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 elections 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 elections officer. If the elector is dissatisfied with a determination that the initiative measure meets the requirements of section 1 (2)(d) and (5), 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 elections officer. If the elector is dissatisfied with a determination that the initiative measure does not meet the requirements of section 1 (2)(d) and (5), 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 elections officer.

(5) The review by the circuit court shall be the first and final review, and shall be conducted expeditiously to ensure the orderly and timely circulation of the petition. [1991 c.719 §38; 2005 c.797 §44]

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 elections officer, the officer shall authorize the circulation of the petition containing the title of the measure as enacted by the district elections authority or, if there is no title, the title supplied by the petitioner filing the prospective petition. The elections 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 business day after a prospective petition for a district measure to be initiated is filed with the elections 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) and (5), 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 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 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; 1995 c.607 §49; 2005 c.797 §45]

255.155 Procedure for elector dissatisfied with title of district measure. (1) Any elector dissatisfied with a ballot title filed with the elections officer by the district attorney or district elections 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 shall name as respondent the district attorney or district elections authority, 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 elections officer. The court shall review the title and measure to be initiated or referred, hear arguments, if any, and certify to the 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 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 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; 1993 c.493 §99; 1995 c.534 §5]

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 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 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 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 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; 2009 c.11 §24]

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 elections 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 elections 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 1987 c.724 §7]

255.205 Retention of petition materials. The elections 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, if it is expedient to do so the elections 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 elections 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; 2007 c.154 §51]

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 elections 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 elections 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 election 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 or local school committee, each petition for nomination or declaration of candidacy for election to the district board or local school committee 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 elections 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; 1995 c.607 §50; 1995 c.712 §70]

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 Nominations to fill certain vacancies; Secretary of State to adopt rules. If a vacancy occurs in the office of district board member after the deadline for notice in ORS 255.069 (2) and on or before the 62nd day 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; 1999 c.410 §65]

255.250 [Amended by 1955 c.96 §2; repealed by 1957 c.608 §231]

255.260 [Repealed by 1957 c.608 §231]

255.265 [Formerly 259.045; 1981 c.173 §35; 1987 c.267 §55; repealed by 1995 c.607 §91]

CONDUCT OF ELECTIONS

255.275 [Formerly 259.220; repealed by 2007 c.154 §67]

255.285 [Formerly 259.120; 1985 c.471 §12; repealed by 2007 c.154 §67]

255.288 Methods of providing 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 elections officer shall provide a map indicating the proposed boundaries. The elections officer shall provide the map by:

(1) Printing the map in any voters' pamphlet prepared for the district election; or

(2) Including the map with the ballot. [1983 c.350 §74; 1993 c.493 §47; 2007 c.154 §52]

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; notification of results. (1) Not later than the 20th day after the date of an election, the county clerk shall prepare an abstract of the votes and deliver it to the district elections authority. Not later than the 30th day after receiving the abstract the district elections authority shall determine from it the result of the election.

(2) Subject to ORS 254.548, the county clerk may issue a certificate of election only after the district elections authority has notified the county clerk in writing of the result of the election. The notification to the county clerk shall contain a statement indicating whether any candidate elected to district office is qualified to hold the office. [Formerly 259.200; 1989 c.221 §1; 1993 c.493 §102; 1995 c.712 §72; 1999 c.318 §50; 1999 c.999 §57; 2005 c.157 §5]

255.305 Election expenses paid by district; exceptions; apportionment of expenses; rules. (1) Except as otherwise provided by ORS 198.775, 261.210, 568.542 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; 1995 c.243 §3]

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 district election; terms of board members; organizational meeting. (1) The regular district election shall be held by each 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 third Tuesday in May.

(2) A district shall not conduct more than one election of board members in any year.

(3) 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.

(4) The term of a board member elected at the regular district election shall commence 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.

(5) 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 §80; 1983 c.379 §4; 1989 c.923 §16; 1995 c.258 §1; 1995 c.712 §115a; 2001 c.73 §1]

255.345 Special election dates. (1) Except as provided in subsection (2) of this section, a special election called by a district elections authority shall not be held on any date other than:

(a) The second Tuesday in March;

(b) The third Tuesday in May;

(c) The third Tuesday in September; or

(d) The first Tuesday after the first Monday in November.

(2) A special election may be held on a date other than that provided in subsection (1) of this section, if the district elections 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 elections 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; 1993 c.713 §53; 1995 c.607 §51; 1995 c.712 §116]

255.355 [Formerly 259.265; repealed by 1995 c.607 §91]

255.410 [Amended by 1953 c.359 §4; 1957 c.608 §201; 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.359 §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 251.991]

CHAPTERS 256 AND 257

[Reserved for expansion]