

Chapter 250

2015 EDITION

Initiative and Referendum

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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250.010 [Amended by 1957 c.608 §120; repealed by 1979 c.190 §431]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; rules. 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 ensure the legibility of the signatures.

(3) Prescribe 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; 2005 c.22 §188]

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. (1) Except as provided in subsection (2) of this section, 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.

(2) The chief petitioners of an initiative petition relating to a state measure may withdraw the petition at any time prior to the submission of the total number of signatures required on the petition for signature verification.

(3) 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; 2009 c.533 §9]

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 Article XI, section 11, 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) 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; 2009 c.566 §3]

250.036 Form of ballot title for measure subject to Article XI, section 11 (8), 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 does not apply to the ballot title of a measure subject to section 11k, Article XI of the Oregon Constitution. [1997 c.541 §311; 2009 c.247 §1]

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

(1) The ballot title of any measure requesting elector approval of bonds, the principal and interest on which will be payable from taxes imposed on property or property ownership that are not subject to the limitations of 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 are not 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) The front of the outer envelope in which the ballot title is delivered shall state, clearly and boldly printed in red, "CONTAINS VOTE ON PROPOSED TAX INCREASE." [1991 c.902 §119; 1997 c.541 §313; 2007 c.154 §10]

250.038 Form of ballot title for measure authorizing imposition or renewal of local option taxes or establishing permanent rate limitation. (1) In addition to meeting other applicable requirements of this chapter:

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

(b) 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

(c) Except as provided in subsection (2) of this section, the front of the outer envelope in which the ballot title is delivered shall state, clearly and boldly printed in red, one of the following statements:

(A) For a measure authorizing the imposition of local option taxes, "CONTAINS VOTE ON PROPOSED TAX INCREASE"; or

(B) For a measure authorizing a renewal of current local option taxes, "CONTAINS VOTE ON RENEWAL OF CURRENT LOCAL OPTION TAXES."

(2) If a ballot contains a measure authorizing the imposition of local option taxes and a measure authorizing the renewal of a current local option tax, the front of the outer envelope in which the ballot is delivered shall state, clearly and boldly printed in red, "CONTAINS VOTE ON PROPOSED TAX INCREASE." [1999 c.632 §25; 2007 c.154 §11; 2009 c.720 §2]

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 250.038 to counties and cities. ORS 250.005 to 250.038 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; 2005 c.797 §54]

250.042 Effect of failure of petition circulator to certify signature sheet. If a signature sheet of a petition is not certified

by the circulator as required under ORS 198.430, 198.750, 221.031, 248.008, 249.061, 249.740, 249.865, 250.045, 250.165, 250.265, 255.135, 261.115 and 545.025, signatures contained on the signature sheet may not be counted for purposes of determining whether the petition contains the required number of signatures of electors. [2007 c.848 §8b]

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 When actions challenging constitutionality of state measure must 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 Prospective petition; signature requirement; cover and signature sheet requirements; rules. (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 the signatures of

at least 1,000 electors. The signature sheets must be attached to a full and correct copy of the measure to be initiated.

(2) Before obtaining signatures on a prospective petition for a state measure to be initiated, the chief petitioners shall file with the secretary a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the prospective petition. After a statement has been filed under this subsection, the chief petitioners shall notify the secretary 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 filed under this subsection declared that no such person would be paid.

(b) No person is being paid for obtaining signatures, when the statement filed under this subsection declared that one or more such persons would be paid.

(3) The secretary by rule shall establish procedures for verifying whether a prospective petition for a state measure to be initiated contains the required number of signatures of electors.

(4) The secretary shall date and time stamp the prospective petition and specify the form on which the initiative or referendum petition shall be printed for circulation as provided in ORS 250.052. The secretary shall retain the prospective petition.

(5) The chief petitioner may amend the state measure to be initiated that has been filed with the secretary without filing another prospective petition, if:

(a) The Attorney General certifies to the secretary 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.

(6) 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 by rule. The cover of a referendum petition shall contain the final measure summary 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 latest ballot title certified by the Attorney General under 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.

(7) 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.

(8)(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 a notice describing the meaning of the color of the signature sheet in accordance with ORS 250.052; 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 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.

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

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

(11) 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; 2005 c.797 §36; 2007 c.159 §3; 2007 c.848 §8; 2009 c.533 §1]

250.048 Registration and training for paid petition circulators; requirements; effect of failure to register; criminal records check; registration of organizations that pay petition circulators; rules. (1) A person may not pay money or other valuable consideration to another person for obtaining signatures of electors on a state initiative, referendum or recall petition or a prospective petition for a state measure to be initiated, and a person may not receive money or other valuable consideration for obtaining signatures of electors on a state initiative, referendum or recall petition or a prospective petition for a state measure to be initiated, unless the person obtaining the signatures:

(a) Registers with the Secretary of State in the manner prescribed by this section and by rule of the secretary; and

(b) Completes the training program prescribed by rule of the secretary.

(2) A person may apply to the secretary for a registration required under subsection (1) of this section. The application shall include:

(a) The full name and any assumed name of the applicant;

(b) The residential street address of the applicant;

(c) An example of the signature of the applicant;

(d) A list of the prospective petitions on which the applicant will gather signatures;

(e) A list of the initiative, referendum and recall petitions on which the applicant will gather signatures;

(f) If the applicant has been convicted for a criminal offense involving fraud, forgery or identification theft, information relating to the circumstances of the conviction as required by the secretary;

(g) A statement signed by the applicant acknowledging that the applicant has read and understands Oregon law applicable to the gathering of signatures on state initiative, referendum and recall petitions and prospective petitions for state measures to be initiated, as the law is summarized in the training program established by the Secretary of State;

(h) Evidence indicating that the applicant has completed the training required by the secretary by rule;

(i) A photograph of the applicant;

(j) A statement signed by a chief petitioner of each petition or prospective petition, or a person designated by a chief petitioner under this paragraph, upon which the applicant will gather signatures acknowledging that the chief petitioner is liable for violations of law or rule committed by the person obtaining signatures as provided in ORS 260.561. A chief petitioner may designate a person to sign a statement described in this paragraph on behalf of the chief petitioner; and

(k) A copy of the applicant's criminal records check.

(3)(a) If an applicant complies with subsection (2) of this section, not later than five business days after the applicant applies, the secretary shall register the applicant and assign the applicant a registration number.

(b) A person who is registered to obtain signatures on a prospective petition for a state measure to be initiated need not reapply for a registration under this section in order to obtain signatures on a state initiative, referendum or recall petition, except that the person shall submit a list of the initiative, referendum and recall petitions on which the person will gather signatures.

(c) A registration to obtain signatures on a state initiative petition or a prospective petition for a state measure to be initiated is valid until the date that is four months before the next general election.

(d) A registration to obtain signatures on a referendum or recall petition is valid until the date the petition is filed for signature verification.

(4) A person may not apply for registration under this section if, during the five-year period prior to the date of application, the person:

(a) Has been convicted for a criminal offense involving fraud, forgery or identification theft in any state;

(b) Has had a civil penalty imposed under ORS 260.995 for a violation of this section, ORS 260.262, 260.555, 260.558, 260.575, 260.695 (1) or 260.715 (1) or Article IV, section 1b, of the Oregon Constitution; or

(c) Has had a civil or criminal penalty imposed for violation of a statute subject to a criminal penalty under ORS 260.993.

(5)(a) Upon request of the secretary, the Department of State Police shall furnish to the secretary any information that the department may have in its possession regarding an applicant, including but not limited to the Law Enforcement Data System established in ORS 181A.280, other computerized

information and any other information to which the department may have access. Information obtained under this paragraph may be used to assist in determining the identity of an applicant or whether an applicant has been convicted of a criminal offense described in subsection (4) of this section.

(b) For purposes of receiving the information described in paragraph (a) of this subsection, the office of the Secretary of State is a "criminal justice agency" under ORS 181A.010 to 181A.350 and the rules adopted under ORS 181A.230.

(c) Upon submitting an application for registration described in subsection (2) of this section, an applicant is deemed to have given the consent necessary for purposes of this subsection.

(6)(a) A chief petitioner shall ensure that a criminal records check is conducted for each applicant seeking registration under this section to determine whether the applicant has been convicted of any of the crimes described in subsection (4)(a) of this section, or was subject to any of the penalties described in subsection (4)(b) and (c) of this section.

(b) The secretary by rule shall prescribe the scope of the criminal records check to be performed pursuant to this subsection. The applicant's criminal records check may be conducted by either the chief petitioner or the applicant.

(c) An applicant seeking registration under this section is required to have only one criminal records check conducted for each period beginning the day the applicant registers with the Secretary of State under this section and ending four months before the next general election.

(7) If a person receives money or other valuable consideration for obtaining signatures of electors on a state initiative, referendum or recall petition or a prospective petition for a state measure to be initiated and the person was not registered as required under this section at the time the signatures were obtained, the secretary may not include any signatures obtained by the person in a count under ORS 250.045 (3) or 250.105 or ORS chapter 249 for purposes of determining whether the petition or prospective petition contains the required number of signatures of electors.

(8) A person registered under this section shall carry evidence of registration with the person while the person is obtaining signatures on a state initiative, referendum or recall petition or a prospective petition for a state measure to be initiated. The evidence of registration shall contain the photograph and registration number of the person. The

secretary by rule shall designate the form of the evidence of registration.

(9) A photograph of an applicant submitted under subsection (2) of this section shall:

(a) Be a conventional photograph with a plain background;

(b) Show the face or the face, neck and shoulders of the applicant; and

(c) Be prepared and processed for printing as prescribed by the secretary.

(10) A person registered under this section may not obtain signatures on a petition or prospective petition for which the person is being paid and, at the same time, obtain signatures on a petition or prospective petition for which the person is not being paid. The secretary may not include any signatures obtained in violation of this subsection in a count under ORS 250.045 (3) or 250.105 or ORS chapter 249 for purposes of determining whether a state initiative, referendum or recall petition or a prospective petition for a state measure to be initiated contains the required number of signatures of electors.

(11) An organization or entity that pays money or other valuable consideration to a person for obtaining signatures of electors on a state initiative, referendum or recall petition or a prospective petition for a state measure to be initiated shall register with the Secretary of State by:

(a) Submitting the name and address of the organization or entity;

(b) Selecting one or more individuals who represent the organization or entity to complete the training program prescribed in subsection (1) of this section; and

(c) Submitting a statement signed by each individual selected:

(A) Acknowledging that the individual has read and understands Oregon law applicable to the gathering of signatures on state initiative, referendum and recall petitions and prospective petitions for state measures to be initiated, as the law is summarized in the training program established by the secretary; and

(B) Affirming that the organization or entity operates in compliance with the law.

(12) The secretary shall adopt rules necessary to implement this section, including rules:

(a) Establishing procedures for registering persons or organizations or entities as described in this section; and

(b) Establishing a training program prescribed in subsection (1) of this section. [2007 c.848 §2; 2009 c.533 §2; 2009 c.720 §6; 2010 c.9 §4; 2011 c.547 §42; 2013 c.519 §1; 2013 c.759 §1; 2014 c.67 §1; 2014 c.112 §1]

250.050 [Repealed by 1957 c.608 §231]

250.052 Official templates of cover and signature sheets; electronic template; rules.

(1)(a) For each state initiative, referendum or recall petition, the Secretary of State shall prepare official templates of the cover and signature sheets for the petition. Except as provided in this section, templates of cover and signature sheets for state initiative and referendum petitions are subject to the requirements of ORS 250.045. The templates of signature sheets to be used by persons who are being paid to obtain signatures on the petition shall be a different color from the sheets to be used by persons who are not being paid to obtain signatures on the petition.

(b) For each prospective petition for a state measure to be initiated the secretary shall prepare official templates of the cover and signature sheets. The templates of signature sheets to be used by persons who are being paid to obtain signatures on the prospective petition shall be a different color from the sheets to be used by persons who are not being paid to obtain signatures on the prospective petition. Each signature sheet for the prospective petition shall:

(A) Contain a notice describing the meaning of the color of the signature sheet; and

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

(2) A person obtaining signatures on a state initiative, referendum or recall petition or a prospective petition for a state measure to be initiated may use only the cover and signature sheets contained in the official templates prepared for the petition or prospective petition. A person who is being paid to obtain signatures on the petition or prospective petition shall use the signature sheet template designated for use by persons being paid to obtain signatures. A person who is not being paid to obtain signatures on the petition or prospective petition shall use the signature sheet template designated for use by persons who are not being paid to obtain signatures.

(3) The secretary shall issue templates for a petition or prospective petition only to a chief petitioner of the petition or prospective petition or to an agent designated by a chief petitioner.

(4) The secretary shall issue official templates to a chief petitioner or designated agent not later than:

(a) Three business days after the deadline for filing a petition under ORS 250.085 relating to a ballot title certified by the Attorney General for the state initiative petition or, if a petition is filed with the Supreme Court under ORS 250.085, three business days after the Supreme Court certifies to the Secretary of State a ballot title for the state initiative petition;

(b) Three business days after a prospective petition is filed under ORS 249.865 or 250.045 for a state recall petition or state referendum petition; or

(c) Three business days after the chief petitioner files a statement with the secretary under ORS 250.045 (2) for a prospective petition for a state measure to be initiated.

(5) Not later than five business days after the deadline for the secretary to issue templates under subsection (4) of this section, a chief petitioner of a state initiative, referendum or recall petition or a prospective petition for a state measure to be initiated may submit to the secretary a written request for modification of the templates. The secretary shall approve or disapprove the request not later than five business days after receiving the request. If the secretary disapproves the request, the secretary shall advise the chief petitioner in writing of the reasons for the disapproval.

(6) In addition to the templates prepared under subsections (1) to (5) of this section, for each state initiative, referendum or recall petition, the secretary shall prepare an official electronic template of a signature sheet for the petition. A template prepared under this subsection shall allow space for the signature of one elector. An elector may print a copy of the electronic signature sheet for a petition, sign the sheet and deliver the signed sheet to a chief petitioner or an agent designated by a chief petitioner. Electronic templates described in this subsection are subject to the requirements of ORS 250.045, other than ORS 250.045 (6), (9) and (10).

(7) The secretary shall adopt rules prescribing the contents and method of production of official templates required under this section. [2007 c.848 §3; 2009 c.533 §3]

250.055 [1979 c.675 §3; 1981 c.145 §1; renumbered 250.039]

250.060 [Repealed by 1957 c.608 §231]

250.062 Identical draft ballot titles required for certain state measures. If the Attorney General determines that the subject, purpose and major effect of two or more state initiative measures to be submitted at the same election are substantially similar, the Attorney General shall provide identical draft ballot titles for the measures. [2009 c.566 §2]

250.065 Preparation of ballot titles 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 latest version of the printed, engrossed measure in lieu of the ballot title. On the next business day after the referendum petition has been filed containing the required number of verified signatures, the Secretary of State 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; 2005 c.797 §37; 2007 c.848 §9]

250.067 Notice of draft ballot title; written comments; certification of title; correction of clerical errors; rules. (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 may be submitted to the secretary not later than the 10th business day after the secretary receives the draft title from the Attorney General. On the next business day after the deadline for submitting comments, 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)(a) If written comments are submitted to the secretary under subsection (1) of this section, the Attorney General shall consider the comments and certify to the secretary either the draft ballot title or a revised ballot title not later than the 10th business day after receiving the comments from the secretary.

(b) If no written comments are submitted to the secretary, the Attorney General shall certify the draft ballot title not later than the 20th business day after the secretary receives the draft title from the Attorney General. If the Attorney General determines that a draft ballot title described in this paragraph contains a clerical error, the Attorney General may correct the error before certifying the corrected draft ballot title to the secretary.

(c) If the Attorney General determines that a ballot title certified under this subsection contains a clerical error, the Attorney General may correct the error and certify to the secretary a corrected ballot title not later than the 10th business day after the date the ballot title was certified.

(d) The secretary shall furnish the chief petitioner with a copy of each ballot title certified under this subsection.

(3) Unless the Supreme Court certifies a different ballot title, the latest ballot title certified by the Attorney General under subsection (2) of this section is the title to be printed in the voters' pamphlet and on the ballot.

(4) If a petition 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 by rule shall specify the means for providing reasonable statewide notice for submitting comments on a draft ballot title.

(6) As used in this section, "clerical error" means a typographical, arithmetical or grammatical error or omission that is evident from the text of the draft or certified ballot title or by comparison of the text of the draft or certified ballot title with a written explanation that was provided by the Attorney General and issued concurrently with the draft or certified ballot title. [1985 c.447 §5; 1989 c.503 §5; 2001 c.802 §1; 2005 c.797 §38; 2007 c.159 §1; 2007 c.848 §10]

250.070 [Amended by 1957 c.608 §123; 1961 c.121 §6; 1979 c.190 §234; renumbered 254.107]

250.075 Preparation of ballot titles by Legislative Assembly. (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 ballot 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 the latest 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 or a corrected ballot title to the Secretary of State, whichever is later; 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 certified 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 deter-

mines 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 latest ballot 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 latest ballot 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; 2007 c.159 §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 Petition filing requirements; monthly filing; signature verification; rules. (1)(a) An initiative or referendum petition relating to a state measure must be filed with the Secretary of State for the purpose of verifying whether the petition contains the required number of signatures of electors.

(b) Signatures previously verified on a prospective petition for a state measure to be initiated shall be included in the calculation under this section for the purpose of verifying whether the initiative petition contains the required number of signatures of electors.

(c) When filing an initiative or referendum petition, the signature sheets must be sorted on the basis of the name of the person who obtained the signatures on the sheet.

(d) The secretary shall adopt rules establishing procedures for verifying signatures on an initiative or referendum petition.

(e) A filed initiative or referendum petition must contain only original signatures. The secretary or county clerk shall verify each petition in the order in which the petitions are filed with the secretary.

(2)(a) Once every month, the chief petitioner, or agent on behalf of the chief petitioner, of an initiative petition relating to a state measure shall file with the secretary all signature sheets containing signatures of electors obtained by a person being paid to obtain signatures on the petition since the previous monthly filing. The secretary shall hold all signature sheets filed under this subsection unless the chief petitioner withdraws the petition.

(b) The secretary shall adopt rules prescribing the dates by which signature sheets must be filed each month. The secretary may not accept signature sheets containing signatures of electors obtained by a person being paid to obtain signatures on the petition before the previous monthly filing deadline prescribed under this paragraph for purposes of determining whether an initiative petition relating to a state measure contains the re-

quired number of signatures of electors under this section.

(3) The secretary may not accept a referendum petition relating to a state measure for filing if the petition contains less than 100 percent of the required number of signatures. The secretary may not determine whether an initiative petition contains the required number of signatures of electors unless at least 100 percent of the required number of signatures have been filed with the secretary.

(4) If the total number of signatures required on an initiative petition 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 determines that insufficient signatures have been submitted but the deadline for filing signatures on the petition has not passed, the petitioners may submit additional signatures.

(5) The secretary 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. 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.

(6) For purposes of estimating the number of duplicate signatures contained in a petition, the secretary 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 (5) of this section, the secretary shall calculate an estimated signature duplication rate for each petition for which a second sampling is required. The calculation shall be based on the number of electors the secretary determines have signed a specific petition more than once.

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

(8) The Secretary of State may employ professional assistance to determine the sampling technique to be designated under subsection (5) of this section.

(9) The Secretary of State and the county clerk, if requested, shall permit authorized persons to be at the office of the secretary or county clerk to watch the verification of signatures on a state initiative petition or prospective petition for a state measure to be initiated under this section. The authorization shall be in writing and shall be filed with the secretary or county clerk. The secretary or county clerk shall permit only as many persons as watchers under this subsection as will not interfere with an orderly procedure at the office of the secretary or county clerk. [1979 c.190 §149; 1985 c.447 §7; 1989 c.68 §6; 1999 c.1021 §1; 2007 c.848 §11; 2009 c.533 §8; 2009 c.720 §5; 2013 c.519 §2]

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 Secretary of State shall number amendments to the Oregon Constitution referred to the people by the Legislative Assembly in the order that the amendments are filed with the Secretary of State, followed immediately in number by Acts of the Legislative Assembly submitted to the people for approval or rejection in the order that the Acts are filed with the Secretary of State, followed immediately in number by initiative or referendum petitions in the order that the petitions are filed for signature verification with the Secretary of State.

(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; 2008 c.33 §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; financial estimate committee; application to Native American or American Indian tribal governments. (1) When a state measure involves expenditure of public moneys by the state, reduction of expenditure of public moneys by the state, reduction of state revenues or raising of funds by the state by imposing any tax or incurring any indebtedness, the finan-

cial estimate committee created under this section shall estimate:

(a) The amount of direct expenditure, direct reduction of expenditure, direct reduction in state revenues, direct tax revenue or indebtedness and interest that will be required to meet the provisions of the measure if it is enacted; and

(b) The aggregate amount of direct expenditure, direct reduction of expenditure, direct reduction in revenues, direct tax revenue or indebtedness and interest that will be required by any city, county or district to meet the provisions of the measure if it is enacted.

(2) For a state measure for which an estimate is required to be prepared under subsection (1) of this section, the financial estimate committee may estimate the aggregate amount of direct expenditure, direct reduction of expenditure, direct reduction in revenues, direct tax revenue or indebtedness and interest that will be required by any federally recognized Native American or American Indian tribal government to meet the provisions of the measure if it is enacted.

(3) If the Legislative Assembly has enacted a law that will apply only if the measure for which an estimate is required to be prepared under subsection (1) of this section is not enacted, the financial estimate committee may also estimate the amount of direct expenditure, direct reduction of expenditure, direct reduction in revenues, direct tax revenue or indebtedness and interest that will result for the state, any city, county or district or any federally recognized Native American or American Indian tribal government if the measure is not enacted.

(4) For a state measure for which an estimate is required to be prepared under subsection (1) of this section, the financial estimate committee shall consult with the Legislative Revenue Officer to determine if the measure has potentially significant indirect economic or fiscal effects. If the committee determines that the indirect economic or fiscal effects of the measure are significant and can be estimated, the Legislative Revenue Officer shall prepare on behalf of the committee an impartial estimate of the indirect economic or fiscal effects of the measure. The Legislative Revenue Officer shall use the best available economic models and data to produce the estimate. The financial estimate committee shall incorporate relevant parts of the estimate prepared by

the Legislative Revenue Officer into the estimate prepared by the committee under subsection (1) of this section.

(5) Except as provided in subsection (6) of this section, the estimates described in subsections (1) to (3) of this section shall be printed in the voters' pamphlet and on the ballot. The estimates shall be impartial, simple and understandable and shall include the following information:

(a) A statement of the amount of financial effect on state, local or tribal government expenditures, revenues or indebtedness, expressed as a specific amount or as a range of amounts;

(b) A statement of any recurring annual amount of financial effect on state, local or tribal government expenditures, revenues or indebtedness;

(c) A description of the most likely financial effect or effects of the adoption of the measure; and

(d) If an estimate is made under subsection (3) of this section, a description of the most likely financial effect or effects if the measure is not enacted.

(6) If the financial estimate committee determines that the measure will have no financial effect on state, local or tribal government expenditures, revenues or indebtedness or that the financial effect on state, local or tribal government expenditures, revenues or indebtedness will not exceed \$100,000, the committee shall prepare and file with the Secretary of State a statement declaring that the measure will have no financial effect or that the financial effect will not exceed \$100,000. The statement shall be printed in the voters' pamphlet and on the ballot.

(7) In addition to the estimates described in subsections (1) to (3) of this section, if the financial estimate committee considers it necessary, the committee may prepare and file with the Secretary of State an impartial, simple and understandable statement explaining the financial effects of the measure. The statement may not exceed 500 words. The statement shall be printed in the voters' pamphlet with the measure to which it relates.

(8) The Legislative Administration Committee shall provide any administrative staff assistance required by the financial estimate committee to facilitate the work of the financial estimate committee under this section or ORS 250.127.

(9) The financial estimate committee is created, consisting of the Secretary of State, the State Treasurer, the Director of the Oregon Department of Administrative Services, the Director of the Department of Revenue and a representative of a city, county or district with expertise in local government finance. The representative of a city, county or district shall be selected by the four other members of the financial estimate committee and shall serve for a term of two years that begins on March 1 of the odd-numbered year. [Formerly 254.180; 1987 c.724 §6; 1991 c.971 §1; 1993 c.493 §15; 1999 c.844 §1; 2005 c.633 §1; 2013 c.47 §1]

250.127 Preparation and filing of estimates and statements 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 financial estimate committee created under ORS 250.125 shall prepare and electronically file with the Secretary of State the estimates described in ORS 250.125 and, if the committee considers it necessary, a statement explaining the financial effects of the measure as described in ORS 250.125 (7). The financial estimate committee may begin preparation of the estimates and statement 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 statement or to receive 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 financial estimate committee shall consider suggestions and any other information submitted under subsection (2) of this section, and may file revised estimates or a revised statement 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 statement and any revised estimates or statement shall be approved by a majority of the members of the financial estimate committee. If a member does not concur, the es-

timates or statement shall show only that the member dissents. The Secretary of State shall certify final estimates and a final statement not later than the 90th day before the election at which the measure is to be voted upon. All estimates and statements prepared under ORS 250.125 and this section shall be made available to the public.

(5) If a majority of the members of the financial estimate committee do not approve the estimates or statement, the Secretary of State alone shall prepare, file and certify the estimates or statement not later than the 88th day before the election at which the measure is to be voted upon with the data upon which the estimates or statement is based.

(6) The support or opposition of any member of the financial estimate committee to the original or revised estimates or statement shall be indicated in the minutes of any meeting of the committee. Meetings of the financial estimate committee shall be open to the public. Designees of the members of the financial estimate committee may attend any meetings of the committee in the place of the members, but the designees may not vote to approve or oppose any estimates or statement.

(7) A failure to prepare, file or certify estimates or a statement under ORS 250.125, this section or ORS 250.131 does 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 is not 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; 2005 c.633 §2; 2011 c.646 §1; 2013 c.47 §2]

250.130 [Repealed by 1957 c.608 §231]

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

(1) Any person alleging that an estimate or statement described in 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 or statement filed with the court does not satisfy the required procedures. A petition is not allowed concerning the contents

of the estimate or statement or whether an estimate or statement 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 or statement 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 ensure 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 or statement, to be prepared, filed and certified as provided in ORS 250.125 and 250.127 except that:

(a) The financial estimate committee created under ORS 250.125 shall prepare and file with the Secretary of State an estimate or statement not later than two days following the decision of the court;

(b) A hearing shall be held within two days after the estimate or statement is filed; and

(c) An estimate or statement shall be certified not later than seven days after the decision of the court. The procedures under which the second estimate or statement is filed and certified may not be appealed. [1991 c.971 §4; 2005 c.633 §3]

(Temporary provisions relating to racial and ethnic impact statements)

Note: Sections 3 and 5, chapter 600, Oregon Laws 2013, provide:

Sec. 3. (1) To obtain a racial and ethnic impact statement described in this section, one member of the Legislative Assembly from each major political party must sign a written request. Upon receipt of the written request, the Oregon Criminal Justice Commission shall prepare a racial and ethnic impact statement that describes the effects of a state measure on the racial and ethnic composition of:

(a) The criminal offender population, as defined in section 1 of this 2013 Act; or

(b) Recipients of human services, as defined in section 1 of this 2013 Act.

(2) The statement must be impartial, simple and understandable and must include the information described in section 1 (3) of this 2013 Act.

(3) If the commission has prepared a racial and ethnic impact statement for a state measure, not later than the 99th day before a special election held on the date of a primary election or any general election at which the state measure is to be submitted to the people, the commission shall file the statement with the Secretary of State.

(4) 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 suggestions for changes to the statement or to receive other information. At the hearing, any person may submit suggested changes or other information orally or in writing. Written suggestions and any other information also may be submitted at any time before the hearing.

(5) The commission shall consider suggestions and any other information submitted under subsection (4) of this section and may file a revised statement with the Secretary of State not later than the 90th day before the election at which the measure is to be voted upon.

(6) The Secretary of State shall certify the statement not later than the 90th day before the election at which the measure is to be voted upon.

(7) All statements prepared under this section shall be made available to the public.

(8) A failure to prepare, file or certify a statement does not prevent inclusion of the measure in the voters' pamphlet. [2013 c.600 §3]

Sec. 5. Sections 1 to 4 of this 2013 Act are repealed on January 2, 2018. [2013 c.600 §5]

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]

250.137 Citizens' Initiative Review Commission; members; term of office; rules. (1) The Citizens' Initiative Review Commission is established as a semi-independent state agency subject to ORS 182.456 to 182.472. The commission shall consist of 11 members. The members shall be appointed in the following manner:

(a) The Governor shall appoint three members who have at some time been selected by the four appointed members of an explanatory statement committee under ORS 251.205 (5) to prepare an explanatory statement, as follows:

(A) One member recommended by the leadership of the Democratic party in the Senate and one member recommended by the leadership of the Republican party in the Senate.

(B) Except as provided in subparagraph (C) of this paragraph, one member recommended by the leadership of the political party with the largest representation in the Senate that is not the same party as the Governor.

(C) If more than two political parties are represented in the Senate, one member recommended by the leadership of a third political party with the largest representation in the Senate.

(b) Two former moderators shall be appointed as members as described in ORS 250.143.

(c) Six electors who have served on a citizen panel shall be appointed as members as described in ORS 250.143.

(2) The term of office of a member of the commission is four years, with the terms of no more than six members expiring every two years. Vacancies shall be filled by the Governor for the unexpired term, consistent with subsection (1) of this section.

(3) The commission shall:

(a) Ensure that the citizen panels are convened to review initiated measures in a fair and impartial manner.

(b) Adopt rules necessary to carry out the commission's duties under ORS 250.137 to 250.149. [2011 c.365 §2; 2013 c.722 §12; 2014 c.72 §1]

250.139 Citizen panels; composition; compensation; selection and review of certain state measures; moderators; rules. (1) The Citizens' Initiative Review Commission shall select one or more state measures proposed by initiative petition to be voted on at a general election and convene a separate citizen panel to review each selected measure.

(2) In selecting a measure to be reviewed by a citizen panel, the commission shall consider the following criteria:

(a) The fiscal impact of a measure.

(b) Whether the measure amends the Oregon Constitution.

(c) The availability of funds to conduct reviews.

(d) Any other criteria established by the commission by rule.

(3) Each citizen panel shall evaluate and write statements for the measure considered by the panel.

(4)(a) The commission shall select citizens for each panel from a representative sample of anonymous electors, using survey sampling methods that, to the extent practicable, give every elector a similar chance of being selected. Each citizen panel shall consist of not fewer than 18 and not more than 24 electors.

(b) The commission shall ensure, to the extent practicable and legally permissible, that the demographic makeup of each panel fairly reflects the population of the electorate of this state as a whole, with respect to the following characteristics, prioritized in the following order:

(A) The location of the elector's residence.

(B) The elector's party affiliation, if any.

(C) The elector's voting history.

(D) The elector's age.

(c) In addition to the criteria described in paragraph (b) of this subsection, the commission may also consider:

(A) The elector's gender.

(B) The elector's ethnicity.

(C) Any other criteria.

(5) The commission shall, from moneys in the account established under ORS 182.470:

(a) Compensate each elector for each day served on a panel in an amount established by the commission by rule;

(b) Reimburse each elector who serves on a panel for travel expenses in accordance with reimbursement policies determined by the commission by rule;

(c) Provide for costs required to convene and conduct a citizen panel; and

(d) Transfer to the Secretary of State all moneys necessary to pay the costs of printing any statements described in ORS 250.141 in the voters' pamphlet.

(6)(a) Each panel shall meet to review the measure on not fewer than three and not more than five consecutive days for a total of not less than 24 hours unless otherwise provided by commission rule.

(b) Each panel shall conduct public hearings at which the panel shall receive testimony or other information from both proponents and opponents of the measure. Unless otherwise determined by a majority of the panelists, equal time shall be allotted to proponents and opponents of a measure.

(c) The chief petitioners of the measure shall designate two persons to provide information in favor of the measure to the citizen panel. If the chief petitioners fail to timely designate two persons to appear before the panel, the commission may designate two persons who support the measure to provide information in favor of the measure.

(d) The commission shall designate two persons who oppose the measure to provide information in opposition to the measure.

(e) The commission, by rule, may specify additional criteria regarding the public hearings.

(7) The commission shall provide each panel with any complaints regarding the panel not later than the third day the panel convenes.

(8) The commission shall, by rule, establish qualifications for moderators for each citizen panel. A moderator must have experience in mediation and shall complete a training course established by the commission.

(9) The commission shall contract with two moderators for each panel and shall compensate each moderator for service. [2011 c.365 §5; 2013 c.722 §15; 2014 c.72 §2]

250.140 [Amended by 1957 c.608 §127; repealed by 1979 c.190 §431]

250.141 Citizen panel statements; preparation; inclusion in voters' pamphlet; rules. (1) Not later than the date set by the Secretary of State by rule, each citizen panel shall prepare and file with the secretary any of the following statements of not more than 250 words each:

(a) A statement in favor of the measure.

(b) A statement opposed to the measure.

(c) A statement that "No panelist took this position." if a panel is unanimous in either supporting or opposing a measure.

(d) A statement of key findings that summarizes the citizen panel's findings in an impartial manner and may include a tally of how many panelists agreed with the key findings.

(e) A statement of additional policy considerations that describes the subject matter of or any fiscal considerations related to the measure. A statement submitted under this paragraph must be supported by at least three-quarters of the panelists.

(2)(a) Before a statement is filed with the Secretary of State under subsection (1) of this section:

(A) A person designated under ORS 250.139 (6)(c) shall be allowed to review the statement in favor of the measure by the citizen panel and provide feedback to the panel regarding the statement.

(B) A person designated under ORS 250.139 (6)(d) shall be allowed to review the statement opposed to the measure by the citizen panel and provide feedback to the panel regarding the statement.

(C) A person designated under ORS 250.139 (6)(c) or (d) shall be allowed to review the statement of key findings by the citizen panel and provide feedback to the panel regarding the statement.

(b) A citizen panel may adjust any statement after receiving feedback as described in this subsection.

(3) The secretary shall prescribe the size and manner of placement of the statements submitted by a citizen panel to be printed in the voters' pamphlet, except that the statements shall be clearly differentiated from other arguments or statements in the voters' pamphlet and may include, but are not limited to, the use of unique formatting and informative symbols.

(4) The secretary shall provide with any citizen panel statement a description of not

more than 150 words of the citizen panel process described in ORS 250.137 to 250.149 and the following explanation:

The opinions expressed in this statement are those of the members of a citizen panel and were developed through the citizen review process. They are NOT official opinions or positions endorsed by the State of Oregon or any government agency. A citizen panel is not a judge of the constitutionality or legality of any ballot measure, and any statements about such matters are not binding on a court of law.

(5) The secretary, by rule, shall set a date by which statements must be filed under this section. The date may not be sooner than the 70th day before the date of the election. [2011 c.365 §7]

250.143 Evaluation of citizen panel procedures; findings and recommendations; appointment of certain commission members. (1) Not later than February 1 of an odd-numbered year, each person who served as a moderator for a citizen panel that evaluated a measure voted on at the most recent general election shall:

(a) Convene to evaluate procedures related to the citizen panels and submit a written report to the Citizens' Initiative Review Commission summarizing the evaluation, along with any recommendations; and

(b) Appoint two moderators from among the moderators convened for the evaluation to be members of the commission.

(2) Not later than February 1 of an odd-numbered year, two electors from each citizen panel shall:

(a) Convene to evaluate procedures related to the citizen panels and submit a written report to the commission summarizing the evaluation, along with any recommendations; and

(b) Appoint two electors from among the former panelists convened for the evaluation to be members of the commission.

(3) Each year in which an evaluation is conducted by moderators and panelists under this section, the commission shall review the evaluations and make any findings and recommendations. The commission shall make all evaluations, findings and recommendations made under this section available to the public. [2011 c.365 §6]

250.145 [1953 c.58 §1; 1955 c.52 §1; 1969 c.104 §1; repealed by 1979 c.190 §431]

250.146 [2011 c.365 §8; repealed by 2013 c.722 §13]

250.147 Contributions to Citizens' Initiative Review Commission; prohibitions; disclosure. (1) Except as otherwise provided in this section, the Citizens' Initiative Review Commission may accept contributions of moneys and assistance from the United States Government or its agencies or from any other source, public or private, and agree to conditions placed on the moneys not inconsistent with the duties of the commission. All moneys received by the commission under this subsection shall be deposited into the account established under ORS 182.470.

(2) The commission may not receive contributions of moneys or assistance from:

(a) A political committee, as defined in ORS 260.005;

(b) For-profit corporate treasuries;

(c) Union treasuries; or

(d) Any other source the commission determines might be used to transfer moneys from a political committee, for-profit corporate treasury or union treasury to the commission.

(3) If a person contributes to the commission an aggregate total of more than \$100 in a calendar year, not later than 14 calendar days after the commission receives the contribution, the commission shall make available to the public on the Internet:

(a) The name and address of the person or entity who made the contribution; and

(b) The amount of the contribution.

(4) The commission may enter into contracts and hire any staff the commission deems necessary.

(5) The commission may appoint an executive director to serve at the pleasure of the commission. [2011 c.365 §4; 2013 c.722 §16]

250.149 Determination of sufficient funds for commission and citizen panels.

(1) Not later than the date that is four months before the date of the general election in an even-numbered year, the Citizens' Initiative Review Commission shall determine whether moneys in sufficient amount are available in the account established under ORS 182.470 to carry out all the duties, functions and powers of the commission, implement ORS 250.139 to 250.143 and pay for any statements to be printed in the voters' pamphlet under ORS 251.185.

(2)(a) If the commission determines that the account has sufficient moneys under subsection (1) of this section, the commission shall carry out all the duties, functions and powers of the commission, implement ORS 250.139 to 250.143 and may submit statements to be printed in the voters' pamphlet under ORS 251.185.

(b) If the commission determines that the account has insufficient moneys under subsection (1) of this section, for the general election in that even-numbered year, the commission may not carry out all the duties, functions and powers of the commission, implement ORS 250.139 to 250.143 or submit statements to be printed in the voters' pamphlet under ORS 251.185. [2011 c.365 §9; 2013 c.722 §17]

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 ORS 250.165 to 250.235. (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 apply 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 Prospective petition; cover and signature sheet requirements; circulation; filing deadline. (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 de-

claring 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 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 county.

(7) Unless otherwise provided by a county ordinance, the gathering of signatures on a petition to initiate a county measure may not exceed a period of two years from the time the petition is approved for circulation.

(8) A county clerk may not accept for filing any petition which has not met the provisions of subsection (7) of this section.

(9) A petition to initiate a county measure must be filed not less than 90 days before

the election at which the proposed law is to be voted on.

(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; 2005 c.797 §39; 2007 c.848 §16; 2009 c.571 §1]

250.168 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 county clerk shall determine in writing whether the initiative measure meets the requirements of section 1 (2)(d), Article IV, and section 10, Article VI of the Oregon Constitution.

(2) If the county clerk determines that the initiative measure meets the requirements of section 1 (2)(d), Article IV, and section 10, Article VI 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, and section 10, Article VI 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, and section 10, Article VI 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, and section 10, Article VI 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, and section 10, Article VI 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 ensure the orderly and timely circulation of the petition. [1991 c.719 §34; 2005 c.797 §40]

250.170 [Repealed by 1957 c.608 §231]

250.175 Preparation of ballot titles for certain county measures; correction of clerical errors; 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, and section 10, Article VI of the Oregon Constitution, as provided in ORS 250.168.

(3)(a) 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 certify the ballot title to the county clerk.

(b) If the district attorney determines that a ballot title certified under this subsection contains a clerical error, the district attorney may correct the error and certify to the county clerk a corrected ballot title not later than the 10th business day after the date the ballot title was certified.

(c) A copy of the ballot title shall be furnished to the chief petitioner.

(4) Unless the circuit court certifies a different ballot title, the latest ballot title certified by the district attorney under subsection (3) of this section is the title to be printed on the ballot.

(5)(a) 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.

(b) In addition to publishing a notice as described in paragraph (a) of this subsection, the county clerk may publish a notice on the county's website for a minimum of seven days.

(6) As used in this section, "clerical error" means a typographical, arithmetical or grammatical error or omission that is evident from the text of the certified ballot title or by comparison of the text of the ballot title with a written explanation that was provided by the district attorney and issued concurrently with the certified ballot title. [1979 c.190 §155; 1983 c.567 §12; 1985 c.808 §26; 1987 c.707 §8; 1991 c.719 §21; 2005 c.797 §41; 2011 c.607 §6; 2013 c.519 §3]

250.180 [Repealed by 1957 c.608 §231]

250.185 Preparation of ballot titles by county governing body. (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 ballot 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 ORS 250.265 to 250.346. ORS 250.265 to 250.346 apply 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 Prospective petition; cover and signature sheet requirements; circulation; filing deadline. (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 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 city.

(7) Unless otherwise provided by a city ordinance, the gathering of signatures on a petition to initiate a city measure may not exceed a period of two years from the time the petition is approved for circulation.

(8) A city elections officer may not accept for filing any petition which has not met the provisions of subsection (7) of this section.

(9) A petition to initiate a city measure must be filed not less than 90 days before the election at which the proposed law is to be voted on.

(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; 2007 c.848 §17; 2009 c.571 §2]

250.270 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 city 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 city elections officer determines that the initiative measure meets the requirements of section 1 (2)(d) and (5), 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) and (5), 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) and (5), 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) 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 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) 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 city 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 §36; 2005 c.797 §42]

250.275 Preparation of ballot titles for certain city measures; correction of clerical errors; 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) and (5), Article IV of the Oregon Constitution, as provided in ORS 250.270.

(3)(a) 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 certify the ballot title to the city elections officer.

(b) If the city attorney determines that a ballot title certified under this subsection contains a clerical error, the city attorney may correct the error and certify to the city elections officer a corrected ballot title not later than the 10th business day after the date the ballot title was certified.

(c) A copy of the ballot title shall be furnished to the chief petitioner.

(4) Unless the circuit court certifies a different ballot title, the latest ballot title certified by the city attorney under subsection (3) of this section is the title to be printed on the ballot.

(5)(a) 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.

(b) In addition to publishing a notice as described in paragraph (a) of this subsection, the city elections officer may publish a no-

tice on the city's website for a minimum of seven days.

(6) As used in this section, "clerical error" means a typographical, arithmetical or grammatical error or omission that is evident from the text of the certified ballot title or by comparison of the text of the ballot title with a written explanation that was provided by the city attorney and issued concurrently with the certified ballot title. [1979 c.190 §164; 1985 c.808 §28; 1987 c.707 §9a; 1991 c.719 §22; 2005 c.797 §43; 2011 c.607 §7; 2013 c.519 §4]

250.285 Preparation of ballot titles by city governing body. (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 ballot 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 petition was filed with the city elections officer. [1989 c.503 §35; 2007 c.155 §8]

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]