


State Initiative and Referendum Manual

Published by

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**Secretary of State
Dennis Richardson**


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Using This Manual

This manual explains the requirements and procedures for filing a statewide initiative or referendum petition for placement on the 2018 General Election ballot.

 Failure to follow the instructions completely may invalidate the petition.

The requirements and procedures explained in this manual may be used to begin the petition process for subsequent general elections but are subject to change. To ensure uniformity within a petition cycle and to avoid voter confusion, only one petition cycle will be approved for circulation during a two year period. Approval to circulate for the 2020 cycle will not be given until after July 6, 2018, the deadline to submit signatures for the 2018 General Election.

Icons

The following icons are used in this manual to emphasize information:



alert icon

indicates alert; warning; attention needed



deadline icon

indicates a deadline



example icon

indicates a detailed example of a concept, process or form



form icon

indicates a reference to a form



info icon

indicates additional information



petition committee icon

indicates a petition committee



petition sheet icon

indicates a reference to a signature sheet



search icon

indicates information located elsewhere


Assistance

If you have questions about the material covered in this manual or need further assistance, please contact:

Elections Division
255 Capitol St NE, Suite 501
Salem, OR 97310

 **503 986 1518**
 **503 373 7414**

 elections.sos@oregon.gov
 www.oregonvotes.gov

 **1 866 673 8683**
se habla español

tty 1 800 735 2900
for the hearing impaired

Getting Started


In 1902, voters overwhelmingly approved a ballot measure that created Oregon's initiative and referendum process. The initiative and referendum process is a method of direct democracy that allows people to propose laws or amendments to the Oregon Constitution or to adopt or reject a bill passed by the legislature.

If chief petitioners gather and submit the required number of signatures, the initiative or referendum is placed on the ballot for voters to adopt or reject at the next regularly scheduled general election, which is held in November of every even numbered year.

Designating Chief Petitioners

An initiative or referendum may have up to three chief petitioners who are the individuals responsible for the preparation and organization of the petition. In Oregon, any person, acting individually or on behalf of an organization, may be a chief petitioner. **Chief petitioners are responsible for:**


- signing and filing a statement providing required information for all chief petitioners;
- designating whether petition circulators will be paid or unpaid;
- establishing a petition committee prior to approval to circulate;
- educating and monitoring circulators;
- collecting signatures; and
- submitting signatures.

 Additional or different chief petitioners may be added or removed until cover and signature sheets are approved for circulation as long as one original chief petitioner remains throughout the entire process. If all original chief petitioners resign, the petition is void and must be re-filed.


Accounts


Chief petitioners who pay any person money or other valuable consideration to obtain signatures on an initiative or referendum must electronically submit detailed copies of accounts by the 10th business day of each month after any month in which circulators were paid to collect signatures. Accounts include:

- contracts between chief petitioners and any person paid for obtaining signatures;
- employment manuals or training materials;
- payroll records for each person paid for obtaining signatures on the petition;
- records of each payment made to any subcontractor obtaining signatures on the petition; and
- copies of signature sheets circulated by paid signature gatherers not submitted for verification.

 If chief petitioners are unable to produce required accounts, or refuse to provide them, chief petitioners are prohibited from obtaining additional signatures on the petition until accounts are produced.

A completed form SEL 320 is required with each account submission. Form SEL 320 details the nature of the accounts being submitted. Accounts may be submitted by chief petitioners or authorized agents.

 See OAR 165-014-0100 for account requirements; or

 Contact the Elections Division at 503 986 1518 for further details.

Campaign Finance Reporting

Oregon campaign finance law **requires chief petitioners to establish a campaign account and file a Statement of Organization** designating a treasurer not later than **three business days** of first receiving a contribution or making an expenditure after filing a prospective petition with the Elections Division. Campaign finance law also requires the electronic filing of campaign finance transactions.

Petition Committee

To form a petition committee **chief petitioners file:**

 SEL 222
Statement of Organization Petition Committee

 Forms are available online at www.oregonvotes.gov.



SEL 223
Campaign Account Information



Cover and signature sheets will not be approved for circulation until a committee has been established. A separate petition committee must be established and transactions filed for each initiative or referendum.

Campaign Transactions



The Secretary of State developed ORESTAR a secure web-based electronic reporting system that committees must use to file campaign finance transactions unless the committee is eligible to file a Certificate of Limited Contributions and Expenditures.



For further details on campaign finance reporting requirements see the [Campaign Finance Manual](#) and the [ORESTAR User's Manuals](#) available at www.oregonvotes.gov.

Submitting Forms and Documents



Chief petitioners or authorized agents must mail or personally deliver signature sheets to the Elections Division.

With the exception of petition signature sheets, completed and signed forms or documents may be:

- scanned and emailed to Elections Division at irrlistnotifier.sos@oregon.gov;
- faxed to 503 373 7414; or
- mailed or personally delivered to 255 Capitol St NE, Ste 501, Salem, OR 97310.



The Elections Division will distribute all notifications and other correspondence by email unless otherwise notified by chief petitioners.

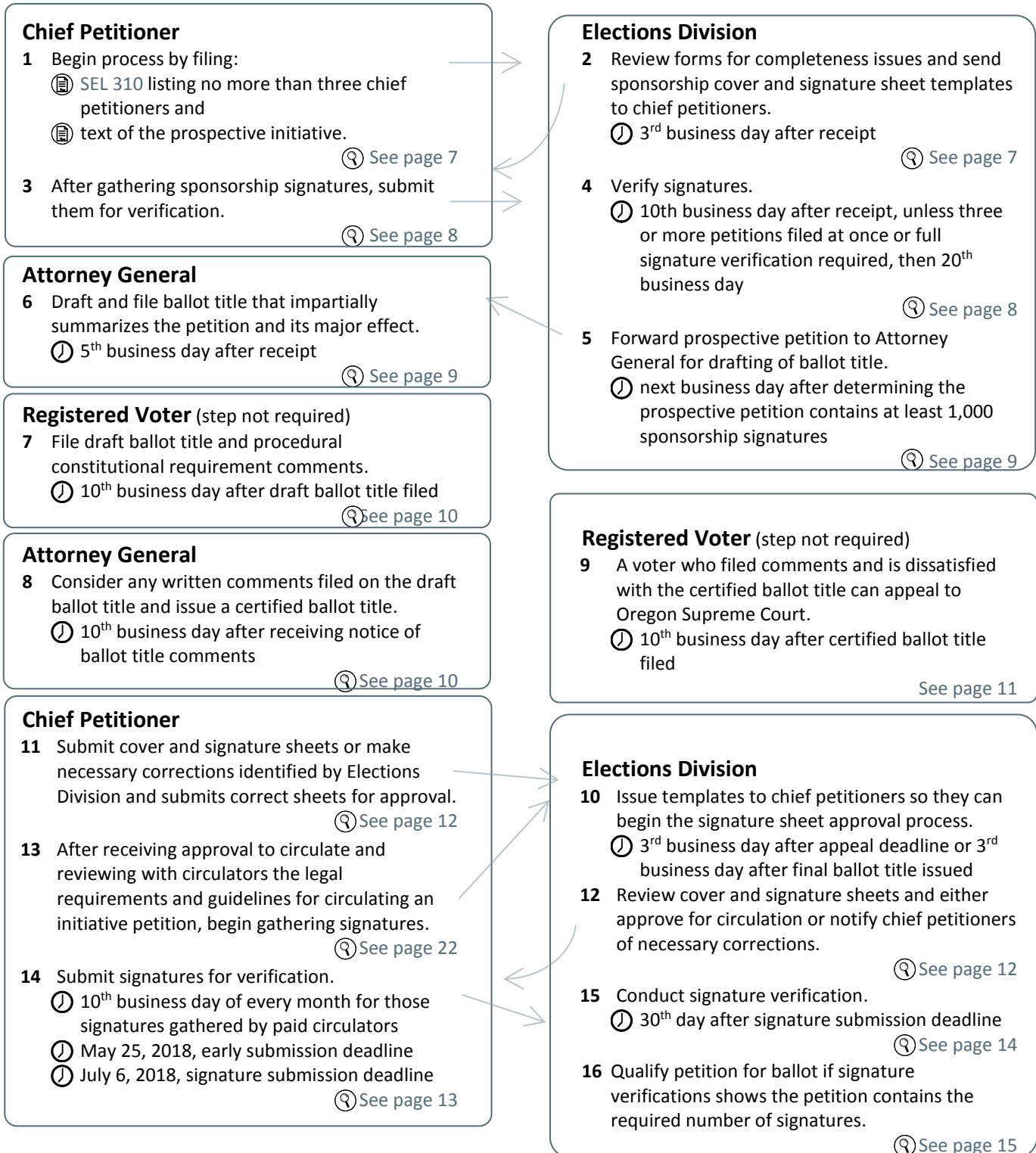
Filing Requirements

	2018	2020
Initiative Petitions		
Required Signatures Constitutional (8%)	117,578	To Be Determined
Required Signatures Statutory (6%)	88,184	To Be Determined
First Day to File Prospective Petition	Anytime	Anytime
First Day of Petition Cycle Circulation	July 11, 2016	July 9, 2018
Early Signature Submission Deadline	May 25, 2018	May 22, 2020
Signature Submission Deadline	July 6, 2018	July 2, 2020
Signature Verification Deadline	August 5, 2018	August 1, 2020
Referendum Petitions		
Required Signatures (4%)	58,789	To Be Determined
First Day to File Prospective Petition	After bill becomes act	After bill becomes act
Signature Submission Deadline	90 days after legislature adjourns sine die	90 days after legislature adjourns sine die
Signature Verification Deadline	30th day after signature submission deadline	30th day after signature submission deadline



- i** The required number of signatures is a percentage of votes cast for governor at the most recent election where a governor was elected to a full term. The calculation includes votes cast for each candidate whose name was printed on the ballot. Write-in votes are included in the calculation however over and under votes are not.

Initiative Process Timeline



- i** To calculate deadlines, day one is the day after a complete and correct document is filed or the day after a document is due. If a statutory deadline falls on a Saturday, Sunday or holiday, the deadline becomes the following business day as provided for in ORS 246.021. However, constitutional deadlines that fall on a Saturday, Sunday or holiday become the previous business day.

Initiative Process







An initiative petition is a method of direct democracy that allows any person to propose new laws, change existing laws, or amend the Oregon Constitution.

Filing a Prospective Petition

Oregon Constitution, Article IV, §1 and ORS 250.045

Before gathering the 1,000 sponsorship signatures necessary to begin the ballot title drafting process, chief petitioners must file a prospective petition with the Elections Division.

Chief Petitioners

- 1 Chief petitioners may write the text of the proposed law or constitutional amendment themselves, but they are encouraged to seek legal assistance.
 -  Under ORS 173.140, Legislative Counsel will assist chief petitioners in drafting text of an initiative petition when:
 - 50 or more electors request their assistance in writing and
 - The Legislative Counsel Committee determines there is a reasonable probability that the initiative will be submitted to voters.
 -  Contact Legislative Counsel for more information at 503 986 1243.
- 2 Chief petitioners must designate no more than three people as chief petitioners and determine circulator pay status.
 -  Form [SEL 310 Prospective Petition – State Initiative or Referendum](#) must be completed and signed by all chief petitioners and designate circulator pay status. Incomplete forms will be rejected.
 -  If any information provided on form [SEL 310](#) changes, including circulator pay status, all chief petitioners must complete and sign an amended form [SEL 310](#). The form must be filed within 10 calendar days of the change.
- 3 Chief petitioners must file text of initiative petition and form [SEL 310](#) with Elections Division.
- 4 Chief petitioners must establish a campaign account and file a Statement of Organization designating a treasurer with the Elections Division.
 -  See [Campaign Finance Reporting](#) on page 4.
- 5 Chief petitioners may also authorize individuals to act on their behalf in most matters regarding the petition process by completing and filing:
 -  Form [SEL 307 Agent Authorization](#).

Sponsorship Templates

After receiving the prospective initiative petition, the **Elections Division**:

- ✓ date and time stamps the prospective petition;
- ✓ reviews the forms for completeness and correctness;
- ✓ if complete and correct, assigns the petition an identification number; and
- ✓ provides official cover and signature sheet templates.

Gathering Sponsorship Signatures

ORS 250.045

Chief Petitioners

- 1 Chief petitioners use the official templates provided by the Elections Division to prepare cover and signature sheets for circulation.



See Cover and Signature Sheets on page 23.

- 2 Chief petitioners review with circulators the legal requirements and guidelines for circulating initiative petitions.
- 3 Chief petitioners monitor circulator activities to ensure compliance.
- 4 Chief petitioners may obtain more than the required number of signatures to ensure the petition contains a sufficient number of valid signatures.



See Petition Guidelines and Requirements on page 22.

Submitting Sponsorship Signatures

ORS 250.045 and OAR 165-014-0030

Sponsorship signatures must be mailed or personally delivered to the Elections Division by chief petitioners or authorized agents. Only one chief petitioner or authorized agent must be physically present if signatures are personally delivered.



Signatures sheets individually mailed or delivered directly to the Elections Division by someone other than a chief petitioner or an authorized agent will not be accepted.

Chief Petitioners or Authorized Agents

- 1 Chief petitioners or authorized agents ensure each signature sheet certification is signed and dated by the circulator.
- 2 Chief petitioners or authorized agents number each signature sheet sequentially in the space provided.
- 3 Chief petitioners or authorized agents submit signature sheets containing at least 100% of required number of signatures to the Elections Division for verification personally, by authorized agent, or through the US Postal Service or a parcel service.
- 4 Chief petitioners or authorized agents provide the number of signatures submitted for verification by completing and filing:



Form SEL 339 Petition Submission – Initiative, Referendum, Recall, Political Party Formation.

Verifying Sponsorship Signatures

OAR 165-014-0030

The **Elections Division will begin verifying signatures** if the petition signature sheets accepted for verification contain a number of unverified signatures equal to or greater than the required number of signatures.

The **Elections Division processes signature sheets** submitted for verification in accordance with the Statistical Sampling Procedures for State Petitions adopted under administrative rule by:



Forms are available online at www.oregonvotes.gov.

- ✓ comparing the submitted cover and signature sheets to the official templates;



Petition sheets that do not comply with the legal requirements will be rejected.

- ✓ verifying sheets are numbered sequentially;



If prior to data entry the Elections Division determines that the petition has more than 100 signature sheets which are not numbered or are not sequentially numbered, chief petitioners will be promptly notified and allowed to correct the sequential numbering. The renumbering of petition sheets will only occur at the Elections Division and in full view of Elections Division team members, and observers, if requested. Should chief petitioners not correct the sequential numbering, the Elections Division will hire temporary staff to renumber the sheets on behalf of chief petitioners and will subsequently invoice chief petitioners for the entire cost of the temporary staff.

- ✓ determining if the circulator's certification is sufficient; and
- ✓ verifying original signatures using voter registration records.

If petition contains at least 1,000 sponsorship signatures the Elections Division:

- ✓ forwards the text to the Attorney General for drafting of the ballot title and
- ✓ seeks public input on whether the text of the proposed law or constitutional amendment complies with the procedural constitutional requirements for proposed initiative petitions.

If the petition does not contain at least 1,000 sponsorship signatures, chief petitioners may make one additional submission of signatures to reach the initial threshold of 1,000 signatures. If chief petitioners do not submit at least 1,000 valid sponsorship signatures, the petition is void, and the chief petitioners may file a new initiative.

Draft Ballot Title

ORS 250.035, 250.065 and 250.067

A ballot title is a concise and impartial statement summarizing the initiative and its major effect. It is printed on the reverse of all signature sheets used for circulation and on the ballot.

Requirements

After receiving the text of the initiative, the **Attorney General prepares a draft ballot title** and files it with the Elections Division. A ballot title includes:

- a caption that does not exceed 15 words describing the subject of the petition;
- a statement that does not exceed 25 words describing the result if the petition is passed;
- a statement that does not exceed 25 words describing the result if the petition is rejected; and
- a summary that does not exceed 125 words describing the major effect of the petition.



The Legislative Assembly may choose to enact legislation by either adopting a ballot title or providing an alternative process for preparing a ballot title.

The **Elections Division distributes notice** to chief petitioners, the Legislative Assembly, and the interested party subscription service that the draft ballot title has been received and provides the deadline for submitting written comments.



Comments

Any registered voter may submit written comments on the legal sufficiency of the draft ballot title. After the deadline to submit comments, the Elections Division will forward any comments received to the Attorney General for consideration when certifying the ballot title.



Comments must be received in their entirety prior to 5 pm on the filing deadline to be considered timely.

Procedural Constitutional Review

Oregon Constitution, Article IV, §1, Article XVII and OAR 165-014-0028

The Oregon Constitution established the following requirements for initiative petitions:

- must contain a single subject or closely related subject;
- must include the full text; and
- must be legislative rather than administrative in nature.

For Initiative Petitions Relating to Constitutional Amendments Only:

- multiple subjects that are not closely related must be voted on separately and
- the initiative must amend, rather than revise, the constitution.

Comments

Any person may comment on whether the prospective initiative petition complies with all procedural requirements in the Oregon Constitution. After the deadline to submit comments has passed and before the ballot title is certified, the **Secretary of State**:

- ✓ reviews the text of the prospective initiative petition;
- ✓ considers any procedural constitutional requirement comments;
- ✓ may receive advice from the Attorney General; and
- ✓ determines whether the prospective initiative petition complies with the requirements set forth in the Oregon Constitution.



The Secretary of State does not review the prospective petition for substantive constitutional or legal sufficiency.

Appeal

Any person may file an appeal, with Marion County Circuit Court, of the Secretary's determination as to whether the prospective initiative petition complies with the procedural requirements of the Oregon Constitution.



Any appeal must be filed no later than the 60th day following the Secretary's determination.


Certified Ballot Title

ORS 250.067

After considering comments submitted on the draft ballot title, the **Attorney General issues a certified ballot title** and files it with the Elections Division.




The **Elections Division distributes notice** to chief petitioners, the Legislative Assembly, and the interested party subscription service that the certified ballot title has been received and provides the deadline to challenge the ballot title in the Oregon Supreme Court.

-  If the certified ballot title contains a clerical error, the Attorney General may correct the error no later than the 10th business day after the ballot title is certified. The deadline to file a petition to review the corrected ballot title is no later than the 10th business day after the ballot title is corrected.

Ballot Title Appeal


ORS 250.085


A **registered voter who submitted timely written comments** on the draft ballot title, and is dissatisfied with the certified ballot title issued by the Attorney General, may petition the Oregon Supreme Court to review the ballot title. The petition must name the Attorney General as the respondent.

-  For correct procedures on filing an Oregon Supreme Court challenge, refer to the Oregon Rules of Appellate Procedure, Rule 11.30.

 Contact the Oregon Supreme Court for more information at 503 986 5555.

A **registered voter who files a petition** to review the certified ballot title is required to provide notice to the Elections Division by completing and filing:

-  Form SEL 324 Notice of Ballot Title Challenge – State Initiative, Referendum, Referral.


 If this notice to the Elections Division is not timely filed, the petition to the Supreme Court may be dismissed.

Supreme Court Review

After a petition to review the ballot title is filed, the **Supreme Court conducts the review** and determines whether the certified ballot title complies with the statutory requirements or does not comply with the statutory requirements. If the court determines that the certified ballot title does not comply with the statutory requirements, the **Supreme Court may**:

- ✓ modify the ballot title
- or
- ✓ refer it to the Attorney General for modification.

Any party to the ballot title review proceeding may file an objection to the modified ballot title. If no objection is filed by the deadline, the court certifies the modified ballot title to the Elections Division. When an objection is filed timely the Supreme Court reviews the modified ballot title to determine if it complies with statutory requirements.


-  This process is repeated until a ballot title is finalized by the Supreme Court and an appellate judgment is received by the Elections Division.

Approval to Circulate

ORS 250.045 and 250.052




After receiving the final ballot title, the **Elections Division provides chief petitioners official templates** that must be used to prepare cover and signature sheets for circulation.

-  See [Official Template Requirements](#) on page 22.

 Forms are available online at www.oregonvotes.gov.

To begin the cover and signature sheet approval process:

Chief Petitioners

- 1 Chief petitioners may add, remove, or change chief petitioners ensuring that one original chief petitioner remains, if necessary.
 -  To add, remove, or change chief petitioners, an amended form [SEL 310](#) must be filed prior to final approval to circulate.
- 2 Chief petitioners or authorized agents may request modifications of official templates, if necessary.
- 3 Chief petitioners or authorized agents use the official templates to prepare cover and signature sheets exactly as intended to circulate.
- 4 Chief petitioners ensure a campaign account has been established and a Statement of Organization filed.
 -  See [Campaign Finance Reporting](#) on page 4.
- 5 Chief petitioners or authorized agents submit an exact example of cover and signature sheets to the Elections Division for approval to circulate.
 -  Cover and signature sheets may only be submitted for approval by chief petitioners or authorized agents.

After receiving signature sheets from chief petitioners or authorized agents, the **Elections Division**:

- ✓ verifies chief petitioners have established a petition committee and filed a Statement of Organization;
- ✓ reviews cover and signature sheets for compliance with petition requirements; and

-  See [Petition Guidelines and Requirements](#) on page 22.

If cover and signature sheets do not comply

- ✓ provides written notification of all required corrections; or

If cover and signature sheets do comply


- ✓ provides written approval to circulate the petition that includes the number of required signatures and the last day to submit signatures for verification.

-  See [Filing Requirements](#) on page 5.

Gathering Signatures

ORS 250.045

Chief Petitioners

- 1 Chief petitioners review with circulators the legal requirements and guidelines for circulating initiative petitions.
 -  See [Petition Guidelines and Requirements](#) on page 22.
- 2 Chief petitioners monitor circulator activities to ensure compliance.
- 3 Chief petitioners may obtain more than the required number of signatures to ensure the petition contains a sufficient number of valid signatures.

Submitting Signatures

ORS 250.105

For each signature submission:

Chief Petitioners or Authorized Agents

- 1 Chief petitioners or authorized agents must ensure each signature sheet certification is signed and dated by the circulator. This does not apply to e-sheets.
- 2 Chief petitioners or authorized agents must sort signature sheets by circulator. This does not apply to e-sheets.
- 3 Chief petitioners or authorized agents are encouraged to separate signature sheets into stacks of 200.
- 4 Chief petitioners or authorized agents number each signature sheet sequentially in the space provided, continuing sequentially until the SEL 339 is filed, marked completed, and signed by all chief petitioners.
- 5 Chief petitioners or authorized agents must provide the number of signatures submitted by completing and filing.



Form [SEL 339 Petition Submission – Initiative, Referendum, Recall, Political Party Formation](#).

Monthly Submission

After receiving final approval to circulate, chief petitioners that are paying circulators to gather signatures are required to submit to the Elections Division not later than the 10th business day of every month all signatures gathered during the previous calendar month by all individuals paid to circulate.

Chief petitioners or authorized agents may mail or personally deliver a monthly submission of signatures to the Elections Division. Only one chief petitioner or authorized agent must be physically present if signatures are personally delivered.



Signature sheets individually mailed or delivered directly to the Elections Division by someone other than a chief petitioner or an authorized agent will not be accepted.

In addition, chief petitioners are required to submit all accounts related to the signatures being submitted.



See [OAR 165-014-0100](#) for account requirements.



Chief petitioners are not required to make monthly submissions of signatures or of detailed accounts before submitting the initial 1,000 sponsorship signatures. All accounts for sponsorship signatures must be submitted no later than the first regular account submission for the primary signature gathering effort.



Forms are available online at www.oregonvotes.gov.

Monthly Submission Deadlines

2018	2020			
January 16, 2018	July 16, 2018	January 15, 2019	July 15, 2019	January 15, 2020
February 14, 2018	August 14, 2018	February 14, 2019	August 14, 2019	February 14, 2020
March 14, 2018	September 17, 2018	March 14, 2019	September 16, 2019	March 13, 2020
April 13, 2018	October 12, 2018	April 12, 2019	October 14, 2019	April 14, 2020
May 14, 2018	November 15, 2018	May 14, 2019	November 15, 2019	May 14, 2020
June 14, 2018	December 14, 2018	June 14, 2019	December 13, 2019	June 12, 2020



Signatures that are not submitted timely will not be accepted for verification.

Other Submission

Chief petitioners or authorized agents for a petition that is required to make a monthly submission may include with the submission, any signatures gathered by volunteer circulators. Chief petitioners or authorized agents for a petition that is not using any paid circulators may submit signatures gathered by volunteer circulators as monthly submissions or when the petition is complete.

Completed Petition Submission

The Elections Division will not accept a petition as complete to begin verification unless chief petitioners affirm they have submitted at least 100% of the required number of signatures and that they believe the petition is complete. To complete a petition:

- 1 Chief petitioners or authorized agents submit enough signatures that, when combined with the number of signatures submitted for sponsorship submissions and any monthly or volunteer submissions, the total number of signatures will be at least 100% of the required number of signatures.
- 2 Chief petitioners affirm the petition is complete by signing:



Form [SEL 339 Petition Submission – Initiative, Referendum, Recall, Political Party Formation](#) marked completed and signed by all chief petitioners.



Chief petitioners or authorized agents must mail or personally deliver the [SEL 339](#) and the signatures necessary to complete the petition. Only one chief petitioner or authorized agent must be physically present if signatures are personally delivered. A petition submitted by mail will only be accepted if a signed copy of the [SEL 339](#) is included in each box.

Verifying Signatures

ORS 250.105 and OAR 165-014-0030

The **Elections Division will only verify signatures**, other than sponsorship submissions, once chief petitioners affirm the petition is complete and if the petition signature sheets accepted for verification, combined with prior verified signatures from sponsorship submissions, contain a number of verified and unverified signatures equal to or greater than the required number of signatures.

The **Elections Division processes signature sheets** submitted for verification in accordance with the Statistical Sampling Procedures for State Petitions adopted under administrative rule by:

- ✓ comparing the submitted cover and signature sheets to the official templates;




Unapproved petition sheets and those that do not comply with legal requirements will be rejected.



Forms are available online at www.oregonvotes.gov.

- ✓ verifying sheets are numbered sequentially;

 If prior to data entry the Elections Division determines that the petition has more than 100 signature sheets which are not numbered or are not sequentially numbered, chief petitioners will be promptly notified and allowed to correct the sequential numbering. The renumbering of petition sheets will only occur at the Elections Division and in full view of Elections Division team members, and observers, if requested. Should chief petitioners not correct the sequential numbering, the Elections Division will hire temporary staff to renumber the sheets on behalf of chief petitioners and will subsequently invoice chief petitioners for the entire cost of the temporary staff.


- ✓ determining if the circulator's certification is sufficient; and
- ✓ verifying original signatures using voter registration records.

After signature verification has been completed, the **Elections Division provides** to chief petitioners:

- ✓ results of signature verification;
- ✓ final number of signatures determined to be valid; and

For petitions not qualified to the ballot

- ✓ information on how to submit additional signatures for verification if the filing deadline has not passed; or

 If the filing deadline has passed and chief petitioners failed to submit enough valid signatures, the petition is void.

For petitions qualified to the ballot

- ✓ information on measure number assignment.

Assigning Measure Numbers

ORS 250.115

The **Elections Division assigns each measure a unique number** that will not be repeated:

- ✓ after all petitions have been verified, typically late July or early August of even numbered years and
- ✓ in the sequence the completed initiative petitions were filed with the Elections Division for signature verification.


Withdrawing an Initiative

ORS 250.029

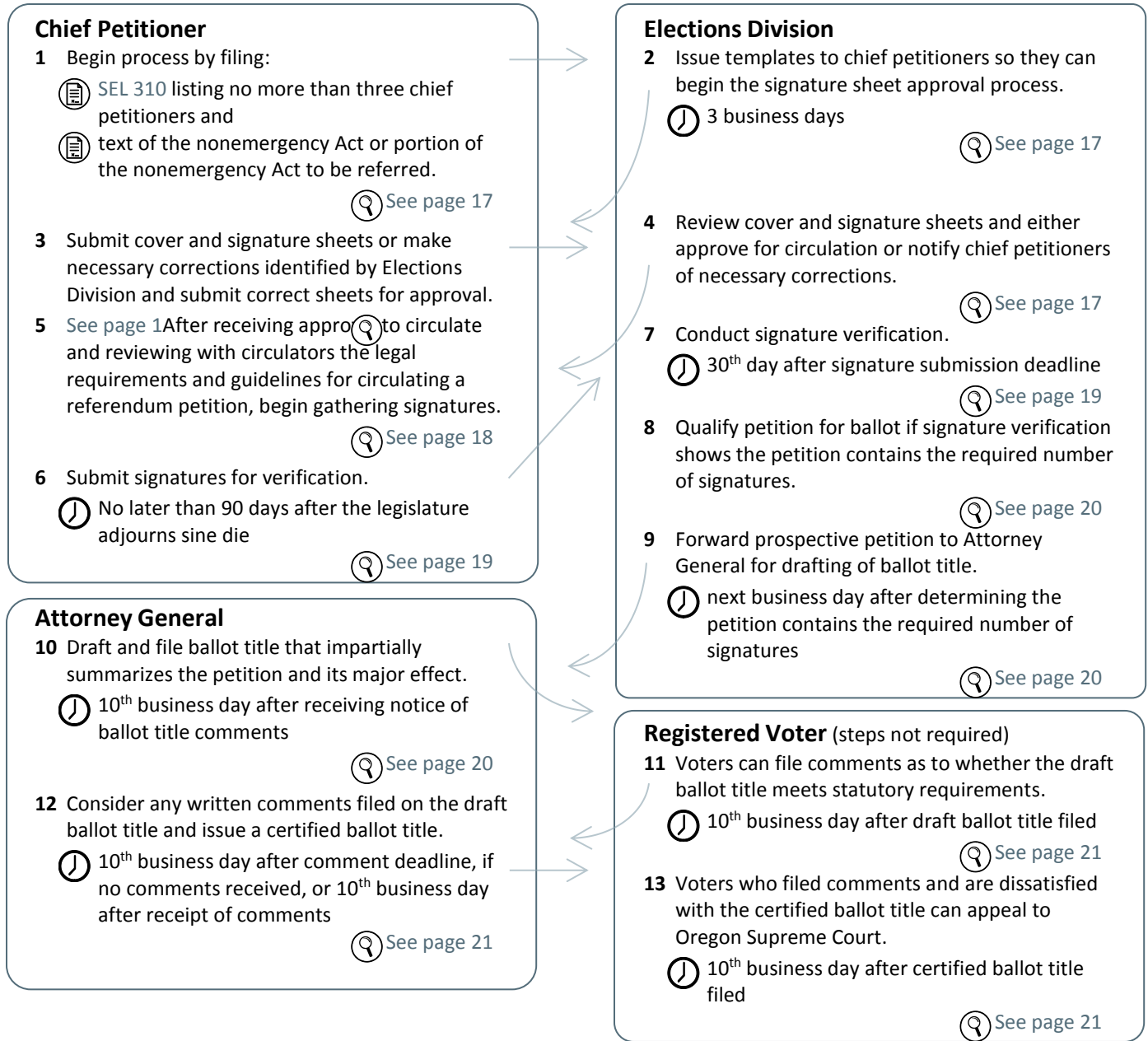
To withdraw an initiative petition, **chief petitioners must complete, sign, and file:**

 Form SEL 375 *Withdrawal – Petition*

The petition can only be withdrawn if chief petitioners have not submitted the total number of signatures required for verification and filed the SEL 339 affirming completeness.

-  Once withdrawn, the petition cannot be re-activated. Chief petitioners may re-file the initiative and begin the process again.

Referendum Process Timeline



i Additional information for the timelines applicable to referendum petitions:

- A referendum may only be filed once a bill has been passed by both houses of the legislature and has either been signed by the Governor or the deadline for the Governor to veto has passed.
- During session, the timeline for the Governor to veto a bill is five week-days (days other than Saturday or Sunday). After the legislature adjourns, the Governor has 30 week-days to sign, veto, or allow the bill to go into law without their signature. Any bill submitted to the Governor for their signature within five week-days of the legislature adjourning also falls into this 30-week-day window.
- Qualified referendums are voted on at the next regularly scheduled general election, unless otherwise ordered by the Legislative Assembly. The Legislative Assembly may also provide for a process that supersedes the steps outlined above.
- The bill on which a referendum petition is filed does not go into effect until it is determined the chief petitioners failed to submit enough valid signatures or an election is held.

Referendum Process






A referendum petition allows voters to adopt or reject any nonemergency Act or portion of a nonemergency Act passed by the legislature that becomes law through approval or nonaction of the Governor.

Filing a Prospective Petition

Oregon Constitution, Article IV, §1 and ORS 250.045

Before gathering the signatures necessary to place a referendum on the ballot, chief petitioners must file a prospective petition with the Elections Division.

Chief Petitioners

- 1 Chief petitioners designate no more than three people as chief petitioners and determine circulator pay status.
 -  Form [SEL 310 Prospective Petition – State Initiative or Referendum](#) must be completed and signed by all chief petitioners and designate circulator pay status. Incomplete forms will be rejected.
 -  If any information provided on form [SEL 310](#) changes, including circulator pay status, all chief petitioners must complete and sign an amended form [SEL 310](#). The form must be filed within 10 calendar days of the change.
- 2 Chief petitioners file text of the nonemergency Act or portion of the nonemergency Act to be referred and form [SEL 310](#) with Elections Division.
 -  A referendum petition may be filed on the entire nonemergency Act or part of the nonemergency Act. References to the Act in this manual include a portion of the Act, if that is what is referred.
- 3 Chief petitioners establish a campaign account and file a Statement of Organization designating a treasurer with the Elections Division
 -  See [Campaign Finance Reporting](#) on page 4.
- 4 Chief petitioners may also authorize individuals to act on their behalf in most matters regarding the petition process by completing and filing:
 -  Form [SEL 307 Agent Authorization](#).

Official Templates

After receiving the prospective referendum petition the **Elections Division**:





- ✓ date and time stamps the prospective petition;
- ✓ reviews the forms for completeness and correctness;
- ✓ if complete and correct, assigns the petition an identification number; and
- ✓ provides official cover and signature sheet templates.

Approval to Circulate

ORS 250.045 and 250.052

The official templates must be used to prepare cover and signature sheets for circulation. To begin the cover and signature sheet approval process:

Chief Petitioners

- 1 Chief petitioners may add, remove, or change chief petitioners ensuring that one original chief petitioner remains, if necessary.
 -  To add, remove, or change chief petitioners, an amended form SEL 310 must be filed prior to final approval to circulate.
- 2 Chief petitioners or authorized agents request modifications of official templates, if necessary;
- 3 Chief petitioners or authorized agents use the official templates to prepare cover and signature sheets exactly as intended to circulate.
 -  See [Official Template Requirements on page 22](#).
- 4 Chief petitioners ensure a campaign account has been established and a Statement of Organization filed.
 -  See [Campaign Finance Reporting on page 4](#).
- 5 Chief petitioners or authorized agents submit an exact example of cover and signature sheets to the Elections Division for approval to circulate.
 -  Cover and signature sheets may only be submitted for approval by a chief petitioner or authorized agent.

After receiving signature sheets from chief petitioners or authorized agents, the **Elections Division**:

- ✓ verifies chief petitioners have established a petition committee and filed a Statement of Organization;
- ✓ reviews cover and signature sheets for compliance with petition requirements; and

If cover and signature sheets do not comply

- ✓ provides written notification of all required corrections; or

If cover and signature sheets do comply


- ✓ provides written approval to circulate the petition that includes the number of required signatures and the last day to submit signatures for verification.

 See [Filing Requirements on page 5](#).

Gathering Signatures

ORS 250.045


Chief Petitioners

- 1 Chief petitioners review with circulators the legal requirements and guidelines for circulating referendum petitions.
 -  See [Petition Guidelines and Requirements on page 22](#).
- 2 Chief petitioners monitor circulator activities to ensure compliance.
- 3 Chief petitioners may obtain more than the required number of signatures to ensure the petition contains a sufficient number of valid signatures.

Submitting Signatures

ORS 250.105

Chief petitioners or authorized agents must mail or personally deliver the signatures to the Elections Division for verification. Only one chief petitioner or authorized must be physically present if signatures are personally delivered.

 Signature sheets individually mailed or delivered directly to the Elections Division by someone other than a chief petitioner or an authorized agent will not be accepted.

The Elections Division will not accept a petition for verification unless chief petitioners affirm they have submitted at least 100% of the required number of signatures and that they believe the petition is complete. To complete a petition:

Chief Petitioners or Authorized Agents

- 1 Chief petitioners or authorized agents ensure each signature sheet certification is signed and dated by the circulator. This does not apply to e-sheets.
- 2 Chief petitioners or authorized agents sort signature sheets by circulator. This does not apply to e-sheets.
- 3 Chief petitioners or authorized agents are encouraged to separate signature sheets into stacks of 200.
- 4 Chief petitioners or authorized agents number each signature sheet sequentially in the space provided.
- 4 Chief petitioners or authorized agents submit signature sheets containing at least 100% of required number of signatures.
- 5 Chief petitioners affirm the petition is complete by filing:



Form SEL 339 *Petition Submission – Initiative, Referendum, Recall, Political Party Formation* marked completed and signed by all chief petitioners.



A petition submitted by mail will only be accepted if a signed copy of the SEL 339 is included in each box.

Verifying Signatures

ORS 250.105 and OAR 165-014-0030

The **Elections Division will only verify signatures** once chief petitioners affirm the petition is complete and if the petition signature sheets accepted for verification contain a number of unverified signatures equal to or greater than the required number of signatures.

The **Elections Division processes signature sheets** submitted for verification in accordance with the Statistical Sampling Procedures for State Petitions adopted under administrative rule by:

- ✓ comparing the submitted cover and signature sheets to the official templates;



Unapproved petition sheets and those that do not comply with legal requirements will be rejected.

- ✓ verifying sheets are numbered sequentially;



If prior to data entry the Elections Division determines that the petition has more than 100 signature sheets which are not numbered or are not sequentially numbered, chief petitioners will be promptly notified and allowed to correct the sequential numbering. The renumbering of petition sheets will only occur at the Elections Division and in full view of Elections Division team members. Should chief petitioners not correct the sequential numbering, the Elections Division will hire temporary staff to renumber the sheets on behalf of chief petitioners and will subsequently invoice chief petitioners for the entire cost of the temporary staff.




Forms are available online at www.oregonvotes.gov.

- ✓ determining if the circulator's certification is sufficient; and
- ✓ verifying original signatures using voter registration records.

After signature verification has been completed, the **Elections Division provides** to chief petitioners:

- ✓ results of signature verification;
- ✓ final number of signatures determined to be valid; and

For petitions not qualified to the ballot

- ✓ information on how to submit additional signatures for verification if the filing deadline has not passed; or
 -  If the filing deadline has passed and chief petitioners failed to submit enough valid signatures, the petition is void.

For petitions qualified to the ballot

- ✓ forwards two copies of the text of prospective petition to the Attorney General for drafting of the ballot title; and
- ✓ information on measure number assignment.

Assigning Measure Numbers

ORS 250.115

The **Elections Division assigns each measure a unique number** that will not be repeated:

- ✓ after all petitions have been verified; and
- ✓ in the sequence completed petitions were filed with the Elections Division for signature verification.

Draft Ballot Title


ORS 250.035, 250.065, and 250.067

A ballot title is a concise and impartial statement summarizing the referendum and its major effect that is printed on the ballot.

Requirements

After receiving the text of an Act to be referred the **Attorney General prepares a draft ballot title** and files it with the Elections Division. A ballot title includes:


- a caption that does not exceed 15 words describing the subject of the petition;
- a statement that does not exceed 25 words describing the result if the petition is passed;
- a statement that does not exceed 25 words describing the result if the petition is rejected; and
- a summary that does not exceed 125 words describing the major effect of the petition.

-  The Legislative Assembly may choose to enact legislation either adopting a ballot title or providing an alternative process for preparing a ballot title.

The **Elections Division distributes notice** to chief petitioners, the Legislative Assembly, and the interested party subscription service that the draft ballot title has been received and provides the deadline for submitting written comments.

Comments

Any registered voter may submit written comments on the legal sufficiency of the draft ballot title. After the deadline to submit comments, the Elections Division will forward any comments received to the Attorney General for consideration when certifying the ballot title.


 Comments must be received in their entirety prior to 5 pm on the filing deadline to be considered timely.

Certified Ballot Title

ORS 250.067

After considering comments submitted on the draft ballot title, the **Attorney General issues a certified ballot title** and files it with the Elections Division.


The **Elections Division distributes notice** to chief petitioners, the Legislative Assembly, and the interested party subscription service that the certified ballot title has been received and provides the deadline to challenge the ballot title in the Oregon Supreme Court.


 If the certified ballot title contains a clerical error, the Attorney General may correct the error no later than the 10th business day after the ballot title is certified. The deadline to file a petition to review the corrected ballot title is no later than the 10th business day after the ballot title is corrected.

Ballot Title Appeal


ORS 250.085


A registered voter who submitted timely written comments on the draft ballot title, and is dissatisfied with the certified ballot title issued by the Attorney General, may petition the Oregon Supreme Court to review the ballot title. The petition must name the Attorney General as the respondent.

 For correct procedures on filing an Oregon Supreme Court challenge, refer to the Oregon Rules of Appellate Procedure, Rule 11.30.

 Contact the Oregon Supreme Court for more information at 503 986 5555.

A registered voter who files a petition to review the certified ballot title is required to provide notice to the Elections Division by completing and filing:

 Form SEL 324 Notice of Ballot Title Challenge – State Initiative, Referendum, Referral


 If this notice to the Elections Division is not timely filed, the petition to the Supreme Court may be dismissed.

Supreme Court Review

After a petition to review the ballot title is filed, the **Supreme Court conducts the review** and determines whether the certified ballot title complies with the statutory requirements or does not comply with the statutory requirements. If the court determines that the certified ballot title does not comply with the statutory requirements, the **Supreme Court may**:

- ✓ modify the ballot title
- or
- ✓ refer it to the Attorney General for modification.

Any party to the ballot title review proceeding may file an objection to the modified ballot title. If no objection is filed by the deadline, the court certifies the modified ballot title to the Elections Division. When an objection is filed timely the Supreme Court reviews the modified ballot title to determine if it complies with statutory requirements.


-  This process is repeated until a ballot title is finalized by the Supreme Court and an appellate judgment is received by the Elections Division.

Withdrawing a Referendum

To withdraw a referendum petition, **chief petitioners must complete, sign, and file:**

-  Form SEL 375 Withdrawal – Petition.

The petition can only be withdrawn if chief petitioners have not submitted the total number of signatures required for verification and filed the SEL 339 affirming completeness.

-  Once withdrawn, the petition cannot be re-activated. Chief petitioners may re-file the referendum petition as long as the filing deadline has not passed.

Petition Guidelines and Requirements


The guidelines and requirements for producing and circulating initiative and referendum cover and signature sheets are explained in the following sections.

Official Template Requirements

ORS 250.045 and 250.052

Chief petitioners must use official templates to collect signatures. Official templates include:


- a cover sheet which contains chief petitioner’s names and residence addresses as well as, for an initiative, this includes the final ballot title, and for a referendum, the final measure summary from the last engrossed version of the bill; a multiple-line signature sheet, which requires the circulator to complete the certification, may have up to twenty signature lines, although ten lines expedites the verification process; and
- a ten line signature sheet, which requires the circulator to complete the certification; and
- an e-sheet, which has space for one voter to sign and does not require a circulator certification be completed;

-  Circulators are prohibited from using the e-sheet to gather signatures on any petition.

Requested Modifications

Any modifications to official templates must be made by the Elections Division. To request modifications to the official templates, chief petitioners or authorized agent completes and submits:

-  Form SEL 323 Template Modification and Approval – Initiative, Referendum, Recall, Political Party Formation.

-  Chief Petitioners may request modification of the official templates at any time.

The **Elections Division will review all requests made** and provide modified templates if necessary. Multiple versions of official templates may be approved for circulation simultaneously. Allowable modifications include:

- text, margin, and line spacing adjustments;
- name, mailing address, email address, and website;

- union bug, recycle button, soy ink button, or equivalent;
- no more than 20 signature lines; and

sequential numbering for internal tracking purposes. Logos, slogans, advertisements, party affiliation, etc. or any symbol or language that may be construed as advocacy will not be permitted on the official templates.

Required Modifications

If at any time while gathering sponsorship signatures or after receiving final approval to circulate, the residence address of a chief petitioner changes or the circulator pay status changes:

- 1 **chief petitioners complete and submit** an amended form [SEL 310](#) within 10 calendar days of the change;
- 2 **the Elections Division will provide** revised templates to chief petitioners; and
- 3 **chief petitioners must submit updated cover and signature sheets** prepared using the revised templates for approval.



Once new cover and signature sheets are approved to circulate, chief petitioners will have 30 days to remove the previous version from circulation.

Cover and Signature Sheets

ORS 250.045 and 250.052

Production

Chief petitioners must produce the text, e-sheet, cover sheet, and signature sheet in the following manner:

Text	E-Sheet	Cover and Signature Sheet
<ul style="list-style-type: none"> ✓ printed in at least 10 point type 	<ul style="list-style-type: none"> ✓ printed on at least 20 pound, uncoated white paper or equivalent ✓ when submitted for verification be on standard 8½" x 11" size paper or equivalent ⓘ The size, weight and color paper requirements outlined above do not apply to any e-sheet, if from the face of the e-sheet the Elections Division can determine that the signer printed the e-sheet and had the opportunity prior to signing to review the required information. 	<ul style="list-style-type: none"> ✓ cover and signature sheets are copied or printed back to back on a single sheet of paper ✓ when submitted for verification be on standard 8½" x 11" size paper or equivalent ✓ printed on at least 20 pound, uncoated paper or equivalent ⓘ Upon request from the Elections Division, chief petitioners may be required to provide a printer's certification that the paper they are using meets these standards. ✓ only colored paper stock may be used for petition sheets gathered by paid circulators

Distribution

To facilitate circulation of approved forms chief petitioners may but are not limited to:

Distribution Method	E-Sheet Requirements	Cover and Signature Sheet Requirements
✓ Petitioners may utilize paid or volunteer circulators to solicit signatures.	→ Circulators may not use e-sheets to gather signatures.	→ Each circulator must have a complete copy of the text available for signers to review unless printed on the cover sheet.
✓ Petitioners may mail to a subscription list or other interested parties	→ A complete copy of the text must be mailed with each e-sheet	→ A complete copy of the text must be mailed with each cover and signature sheet
✓ Petitioners may publish on a website.	→ A complete copy of the text and instructions for signers to print e-sheet on at least 20 pound, 8½" x 11" uncoated white paper, or equivalent, must be published with the e-sheet.	→ A complete copy of the text and instructions for signers to print the cover and signature sheet back to back on at least 20 pound, 8½" x 11" uncoated white paper, or equivalent, must be published with the cover and signature sheet.
✓ Petitioners may email to a subscription list or other interested parties for voter to print individually at home.	→ A complete copy of the text and instructions for signers to print e-sheet on at least 20 pound, 8½" x 11" uncoated white paper, or equivalent, must be included in the email.	→ A complete copy of the text and instructions for signers to print the cover and signature sheet back to back on at least 20 pound, 8½" x 11" uncoated white paper, or equivalent, must be included in the email.
✓ Petitioners may insert into a publication for distribution.	→ A complete copy of the text must be inserted with the e-sheet.	→ A complete copy of the text must be inserted with the cover and signature sheet.

To determine if petition sheets may be distributed by a method not listed, contact the Elections Division.

Passive E-Sheet Stations

A passive e-sheet station is an unstaffed booth or other display that contains text, e-sheets and a secure container for voters to deposit completed e-sheets. Voters may complete and submit the e-sheet at the station or take an e-sheet and copy of the text to complete and return.

The design and placement of any passive e-sheet station must not encourage the circulation of e-sheets by circulators, volunteers or any other individual. To ensure compliance with this requirement, chief petitioners must monitor the passive e-sheet station and ensure that:

- a circulator, volunteer or any other individual is not staffing the station to answer questions, verbally or physically draw attention to the station, encourage voters to sign or in any other way trying to solicit voters to sign the petition;
- an employee of the location where a passive e-sheet station is located is only pointing out where e-sheets are physically located if asked by a customer or patron and is not answering any additional questions about the petition; and
- each passive e-sheet station has sufficient copies of text for voters to review at the station and to take with them to review later.

Guidelines for Circulation

ORS 250.045, 260.555 and 260.558

A circulator is an individual who asks voters to sign a petition and signs the petition as a circulator. They are also called petition circulator, signature gatherer, and signature collector. While some are volunteers and others paid professionals, every circulator must follow the requirements and guidelines for circulating petitions.

To ensure compliance with legal requirements and guidelines chief petitioners must educate circulators and monitor their activities.

Circulator Requirements

Each circulator must:	What this means:
→ Personally witness each signature collected.	✓ Watch the person sign the petition; ⓘ It is not sufficient to merely be present in the same room or vicinity.
→ Complete the circulator certification after witnessing all signatures collected on a sheet.	✓ Sign the certification using a legal signature. ⓘ A legal signature is defined as a signature possessing obvious and predominantly matching characteristics to signatures on file from a paid circulator’s registration, signatures in the Oregon voter registration file, or the signature on an official government document. ⓘ Initials, signature stamps, illegible or printed script are not sufficient unless verified by exemplar.
→ Provide the date when the certification was signed.	✓ The date must be provided in month, day, year order if written in all numbers.
→ Allow any person to read the text of an initiative or referendum petition.	✓ A complete copy of text must be available for signers of an initiative or referendum to review if not printed on cover sheet.
→ If being paid to gather signatures, a circulator must register with the Elections Division.	✓ Registration must be completed and a circulator badge issued before a circulator is paid to gather any signatures. ⓘ See the Circulator Training Manual available at www.oregonvotes.gov .

! A circulator’s failure to comply with these requirements may result in the rejection of the petition signature sheets and a felony conviction for the circulator.

Circulator Prohibitions

It is against the law for circulators to knowingly:

→ circulate a petition containing a false signature;
→ attempt to obtain the signature of a person who is not qualified to sign the petition; ⓘ Only active registered voters may sign a petition.
→ make false statements to any person who signs the petition or requests information about it;
→ offer money or anything of value to another person to sign or not sign the petition;
→ sell or offer to sell signature sheets; and
→ write, alter, correct, clarify, or obscure any information about the signers unless the signer initials after the changes are made. ⓘ A circulator may assist a disabled signer who requests assistance in completing their printed name, address and date signed. In such a case, no initials are required.

! Violations of the circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or a prison sentence of up to 5 years. ORS 260.715, 260.993


Signer Requirements

Each petition signer must:	What this means
→ Provide an original signature but is encouraged to provide their printed name, date signed, and address; and	✓ Petition signers must sign the petition using a signature contained in their voter registration record.
→ Be an active registered voter at the time of signing the petition in the electoral district where the petition is being circulated.	✓ Information in the voter registration record must be up to date so they would be able to vote on the petition.

Signature Date

If no date is provided by the signer, the signature is only considered valid if the signer:


- ✓ was an active registered voter between the date the petition was approved to circulate and the circulator's certification date or
- ✓ originally registered to vote on or after the date the petition was approved to circulate and was an active registered voter between their original registration date and the circulator's certification date.

 This standard also applies to any signer that provides an ambiguous date such as a date of birth or a date that has not yet occurred at the time of verification instead of the date they signed the petition.

Signer Prohibitions

It is against the law for signers to knowingly:


- sign another person's name under any circumstances;
- sign a petition more than one time; or
- sign a petition when not qualified to sign it.

 Only active registered voters may sign a petition. If the signer is not registered to vote or an active voter, then the signature will be rejected unless a completed registration card is received by a designated voter registration agency or elections filing officer before 5 pm the day the petition is signed or 11:59 pm if completed electronically online at www.oregonvotes.gov.

Certification of Signature Sheets

OAR 165-014-0270

After all signatures on a signature sheet have been collected, circulators complete the certification by signing their legal signature and by providing the date when the certification was signed. A legal signature is defined as a signature possessing obvious and predominantly matching characteristics to signatures on file from a paid circulator's registration, signatures in the Oregon voter registration file, or the signature on an official government document.

 If additional signatures are gathered after the circulator certification has been signed and dated, the circulator must re-sign and re-date the certification.

If the circulator certification is not completed or determined to be insufficient the signature sheet will be rejected. Prior to submission to the Elections Division the circulator may correct the following defects:

Circulator Signature Defects

If the circulator has:	Then the circulator should:
→ signed using only initials; i Unless verified by exemplar.	✓ re-sign and re-date certification with legal signature;
→ signed using a signature stamp; i Unless a signature stamp has been approved under ORS 246.025.	✓ re-sign and re-date certification with legal signature;
→ signed using an illegible signature; i Unless verified by exemplar.	✓ re-sign and re-date certification with legal signature;
→ photocopied or carbon copied the certification; or	✓ sign and re-date certification with legal signature; or
→ signed in a manner that the signature, printed name, and address are all illegible;	✓ re-sign and re-date certification with legal signature.

Certification Date Defects

If the date is:	Then the circulator should:
→ missing;	✓ re-sign and date or date and initial correction;
→ crossed out;	✓ re-sign and re-date or re-date and initial correction;
→ overwritten with a different date;	✓ re-sign and re-date or re-date and initial correction;
→ earlier than all petition signers; i Does not apply if the circulator and the only signer are the same person.	✓ re-sign and re-date or re-date and initial correction;
→ earlier than some, but not all petition signers; i Only those signatures dated on or before the date of the certification will be accepted.	✓ re-sign and re-date or re-date and initial correction;
→ partial or ambiguous; or	✓ re-sign and re-date or re-date and initial correction; or i Date must be provided in month, day, year order if written in all numeric characters.
→ obscured in any way by white out or other correction fluid or adhesive tape.	✓ re-sign and re-date or re-date and initial correction.

The following defects in the circulator certification cannot be corrected and any signature sheet submitted that contains one of these defects will be rejected:

Incurable Defects

→ the original signature of a circulator has been crossed out, and a different circulator’s signature is inserted; i Does not apply if the original signature is that of an individual whose signature appears on the same signature sheet as a signer.
→ two individuals sign and date as circulator; or i Does not apply if the only signers and the circulators are the same people
→ white-out or other correction fluid or adhesive tape appears on the signature line.

ex Illustrated examples of circulator signature and date defects are available in the [Circulator Training Manual](#) located at www.oregonvotes.gov.



List of Forms

SEL 222

Statement of Organization for Petition Committee

SEL 223

Campaign Account Information

SEL 307

Agent Authorization

SEL 310

Prospective Petition – State Initiative or Referendum

SEL 323

Template Modification and Approval – State Initiative, Referendum, Recall, Political Party Formation

SEL 324

Notice of Ballot Title Challenge – State Initiative, Referendum, Referral

SEL 339

Petition Submission – Initiative, Referendum, Recall, Political Party Formation

SEL 375

Withdrawal – Petition