


Referral Manual

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Secretary of State
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Contents

Using This Manual	3
Icons	3
Assistance	3
Getting Started	3
Notice of Local Option Tax Measure or General Obligation Bond	4
2018 Local Elections Calendar	4
2019 Local Elections Calendar	5
County Referral Steps	6
County Referral Process	7
Ballot Title Process	7
Explanatory Statement	8
Certification of Referral to Ballot	9
Withdrawal of Referral	9
City Referral Steps	10
City Referral Process	11
Ballot Title Process	11
Explanatory Statement	12
Certification of Referral to Ballot	13
Withdrawal of Referral	13
District Referral Steps	14
District Referral Process	14
Ballot Title	14
Explanatory Statement	16
Certification of Referral to Ballot	16
Withdrawal of Referral	16
List of Forms	17

Using This Manual

This manual contains the procedures for a county, city, or district referral. It is very important to review the procedures thoroughly and follow the instructions completely.

 Failure to follow the instructions contained in this manual may result in the removal of the referral from the ballot.

Icons

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



alert icon

indicates alert; warning; attention needed



info icon

indicates additional information



deadline icon

indicates a deadline



petition sheet icon

indicates a reference to a signature sheet



form icon

indicates a reference to a form



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**
fax 503 373 7414

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

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tty 1 800 735 2900
for the hearing impaired

Getting Started

A referral is a resolution prepared by a county, city, or district governing body to place a measure on the ballot for voters of the jurisdiction to decide. For any referral to appear on the ballot all of the following must occur:

- 1 drafting of ballot title;-
- 2 publication of notice of receipt of ballot title;
- 3 completion of ballot title challenge period and if challenged completion of the ballot title review by circuit court; and
- 4 if necessary, drafting of explanatory statement **only** if the county is producing a voters' pamphlet.



An explanatory statement is an impartial, simple and understandable statement explaining the measure and its effect.



See OAR 165-022-0040 available at www.oregonvotes.gov.

Notice of Local Option Tax Measure or General Obligation Bond

House Bill 2873, which passed at the 2017 Regular Session, requires county elections officials to file with the Secretary of State a copy of the Notice of Measure Election for each local option tax measure or general obligation bond measure placed on the ballot by a municipal corporation.

2018 Local Elections Calendar



District Measures

March 13

May 15

September 18

November 6

Last Day for County Elections Official to Publish

→ notice of district board election December 2 January 25 June 9 July 19

Last Day for County, City, or District Governing Body to File with Local Elections Official

→ ballot title for publication of notice December 22 February 23 June 29 August 17
 or
 → referral text for drafting of ballot title

Last Day for Local Governing Body to File with County Elections Official

→ Form SEL 801 Notice of Measure Election - County January 11 March 15 July 19 September 6

! Form may only be filed upon completion of the ballot title challenge process.

→ Form SEL 802 Notice of Measure Election - City January 11 March 15 July 19 September 6

! Form may only be filed upon completion of the ballot title challenge process.

→ Form SEL 803 Notice of Measure Election – District January 11 March 15 July 19 September 6

! Form may not be filed until after the deadline for the immediately preceding election has passed and only upon completion of the ballot title challenge process.

Last Day to File with County Elections Official






→ arguments for inclusion in county voters' pamphlet January 16 March 19 July 23 September 10



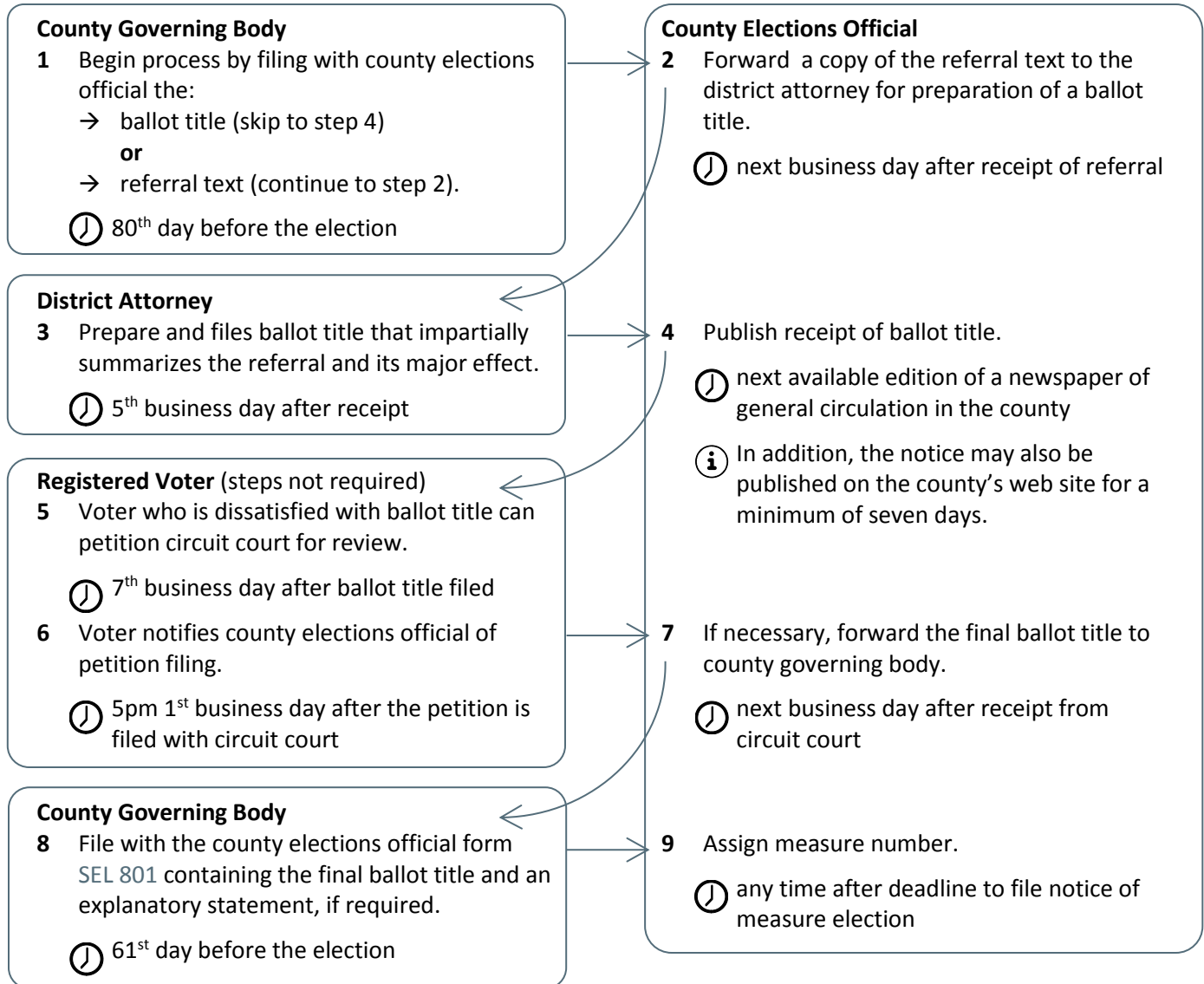
For resubmitted measures the deadline is the 47th day before the election; the measure argument filing deadline is the 2nd business day after the deadline to resubmit the measure, if the county includes the resubmitted measure in the county voters' pamphlet.



2019 Local Elections Calendar

 District Measures	March 12	May 21	September 17	November 5
Last Day for County Elections Official to Publish				
→ notice of district board election (ORS 255.075)	December 1	February 9	June 8	July 27
Last Day for County or City Governing Body to File with Local Elections Official				
→ ballot title for publication of notice	December 22	March 2	June 29	August 17
or				
→ referral text for drafting of ballot title				
Last Day for Local Governing Body to File with County Elections Official				
→ Form SEL 801 Notice of Measure Election - County	January 10	March 21	July 18	September 5
 Form may only be filed upon completion of the ballot title challenge process.				
→ Form SEL 802 Notice of Measure Election - City	January 10	March 21	July 18	September 5
 Form may only be filed upon completion of the ballot title challenge process.				
→ Form SEL 803 Notice of Measure Election – District	January 10	March 21	July 18	September 5
 Form may not be filed until after the deadline for the immediately preceding election has passed and only upon completion of the ballot title challenge process.				
Last Day to File with County Elections Official				
→ arguments for inclusion in county voters' pamphlet	January 14	March 25	July 22	September 9
 For resubmitted measures the deadline is the 47 th day before the election; the measure argument filing deadline is the 2 nd business day after the deadline to resubmit the measure, if the county includes the resubmitted measure in the county voters' pamphlet.				

County Referral Steps



County Referral Process



Local charter or ordinance requirements do not supersede ORS 250.035 relating to ballot title format or the statement of measures filed under ORS 254.103.

Once a county governing body adopts a resolution referring a measure for the voters to decide, a ballot title must be drafted. All ballot titles must comply with the requirements in ORS 250.035.

Ballot Title Process

ORS 250.035, 250.175, 250.185, and 250.195

A ballot title is a concise and impartial statement prepared by the county governing body or the District Attorney that will be printed on the ballot summarizing the referral and its major effect. Any voter may challenge the ballot title in circuit court and the referral may only appear on the ballot once this process is complete.

1 Preparation

For any referral, the county governing body may:

→ prepare and file a ballot title with the county elections official

or

→ file referral text with the county elections official.



Form [SEL 805 Request for Ballot Title – Preparation or Publication of Notice](#) may be used to file:

→ the text of the referral for drafting of a ballot title

or

→ the ballot title drafted by the governing body or district attorney for publication of notice.

The county elections official will forward a copy of the referral text to the District Attorney for preparation of a ballot title. After receiving the referral, the District Attorney drafts and files a ballot title with the county elections official.

2 Format

Each ballot title must contain all of the following elements:

→ a caption that does not exceed 10 words describing the subject of the referral;

→ a question that does not exceed 20 words plainly phrasing the main purpose of the referral so that an affirmative response to the question corresponds to a yes vote on the referral; and

→ a summary that does not exceed 175 words describing the major effect of the referral.



Additional ballot title requirements apply to referrals requesting a general obligation bond, a local option tax, or a permanent rate limit.



For further information you may contact the Elections Division, your bond counsel, or the Oregon Department of Revenue, Property Tax Division 800 356 4222.



3 Notice

After receiving a ballot title from the county governing body or the District Attorney the county elections official publishes notice in the next available edition of a newspaper of general circulation that any voter may challenge the ballot title. It is advisable to also publish the notice on the county website for a minimum of seven days. The notice must include all of the following:

- a statement that a ballot title has been received and that any voter may file a petition for review of the ballot title;
- the deadline for filing a petition for review of the ballot title with the circuit court; and
- the ballot title provided by the county governing body or District Attorney or information on how to obtain a copy.



Notice must be published prior to the deadline to file a petition to review the ballot title.

4 Ballot Title Appeal

Any registered voter who is dissatisfied with the ballot title may petition the circuit court to review the ballot title. If a registered voter files a petition to review a ballot title with the circuit court, the voter must:

- name the county governing body or District Attorney as respondent, depending who prepared the ballot title;
- state the reasons why the ballot title is insufficient, not concise or unfair; and
- notify the county elections official in writing that a petition has been filed.



If the notification of the county elections official is not timely filed, the petition to the circuit court may be dismissed.

5 Circuit Court Review

When a petition is filed, the circuit court conducts its review and renders its decision certifying a ballot title meeting the requirements of ORS 250.035. The review of the ballot title by the circuit court shall be the first and final review.



If the Circuit Court certifies a different ballot title, the county elections official forwards the final ballot title to the county official authorized to submit notice of measure election for preparation of form SEL 801.

Explanatory Statement

ORS 251.067, 251.285, 251.345, and OAR 165-022-0040


An explanatory statement is an impartial, simple, and understandable statement explaining the measure. The county governing body must prepare and file an explanatory statement of no more than 500 words for a referral **only** if:

- the county is producing a voters' pamphlet
- or
- the referral will appear in the state voters' pamphlet.



Counties are encouraged to adopt and comply with an ordinance that provides a judicial review procedure for an explanatory statement which is contested. If a county measure is to appear in the state voters' pamphlet, a judicial review procedure is required.




-  See the *State Voters' Pamphlet Manual* available at www.oregonvotes.gov for additional requirements for referrals appearing in the state voters' pamphlet.

Certification of Referral to Ballot


ORS 254.103

The county governing body must certify that the challenge process is complete and file the final ballot title on:

-  Form SEL 801 Notice of Measure Election – County.


 If the county is producing a voters' pamphlet, the county elections official will reject any SEL 801 that is not accompanied by an explanatory statement.


After receiving a county referral, the county elections official assigns a measure number.

-  Ballot measure numbers will not be repeated. If the measure is later removed from the ballot, the measure number will not be re-used.

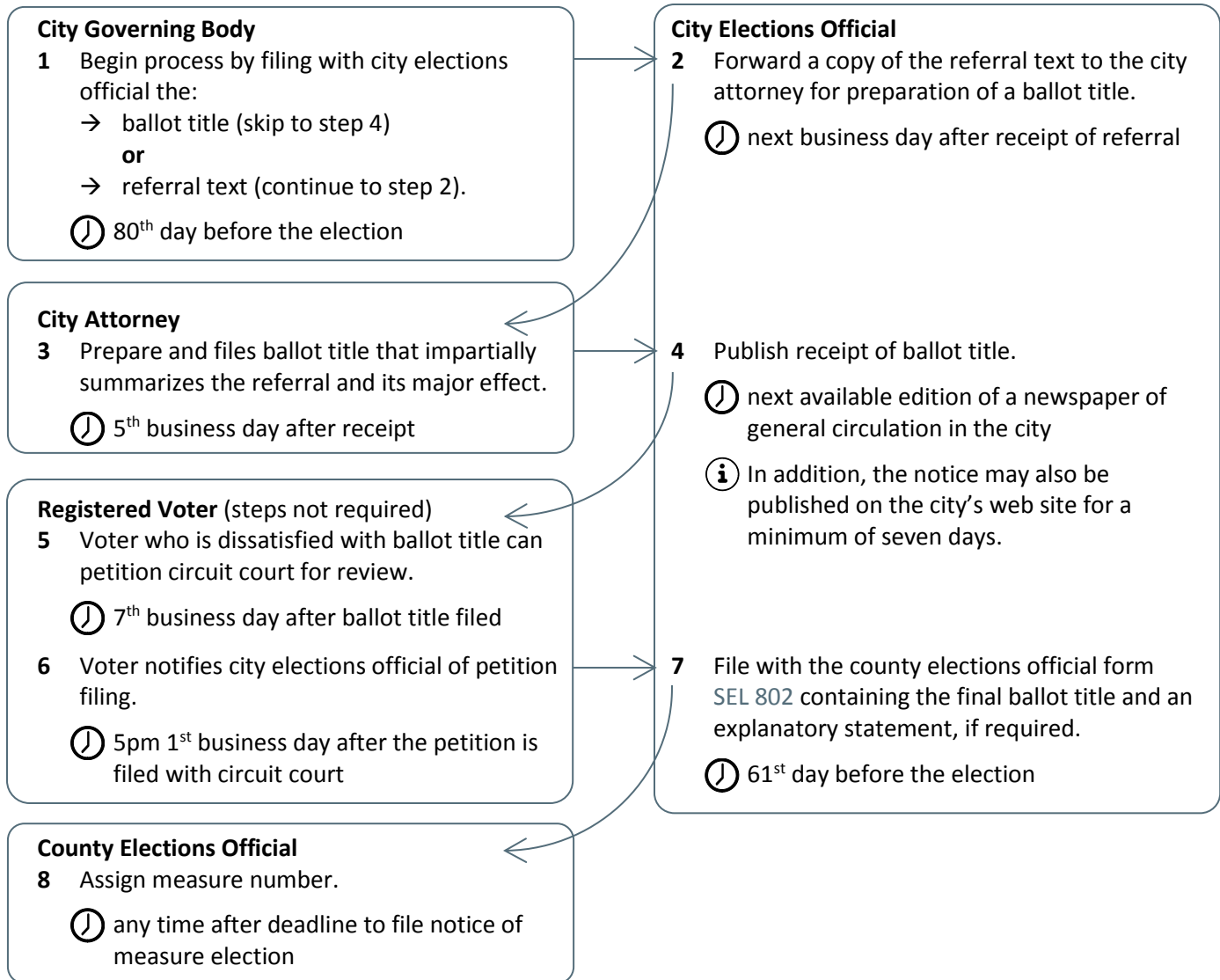
Withdrawal of Referral

To withdraw a referral, a county governing body must complete and file with the county elections official:

-  Form SEL 804 Withdrawal - Notice of Measure Election.

 The SEL 804 must be submitted no later than the 61st day before the election.

City Referral Steps



Competing Measure

If a qualified initiative is filed by the city elections official at a city governing body meeting that occurs on the 90th day before the election and the governing body refers a competing measure, the ballot title process including the challenge period must be completed no later than the 61st day before the election.

City Referral Process



Local charter or ordinance requirements do not supersede ORS 250.035 relating to ballot title format or the statement of measures filed under ORS 254.095.

Once a city governing body adopts a resolution referring a measure for the voters to decide, a ballot title must be drafted. All ballot titles must comply with the requirements in ORS 250.035.

Ballot Title Process

ORS 250.035, 250.275, 250.285, and 250.296

A ballot title is a concise and impartial statement prepared by the city governing body or the city attorney that will be printed on the ballot summarizing the referral and its major effect. Any voter may challenge the ballot title in circuit court and the referral may only appear on the ballot once this process is complete.

1 Preparation

For any referral, the city governing body may:

→ prepare and file a ballot title with the city elections official

or

→ file referral text with the city elections official.



Form [SEL 805 Request for Ballot Title – Preparation or Publication of Notice](#) may be used to file:

→ the text of the referral for drafting of a ballot title

or

→ the ballot title drafted by the governing body or city attorney for publication of notice.

The city elections official will forward a copy of the referral text to the city attorney for preparation of a ballot title. After receiving the referral, the city attorney drafts and files a ballot title with the city elections official.

2 Format

Each ballot title must contain all of the following elements:

→ a caption that does not exceed 10 words describing the subject of the referral;

→ a question that does not exceed 20 words plainly phrasing the main purpose of the referral so that an affirmative response to the question corresponds to a yes vote on the referral; and

→ a summary that does not exceed 175 words describing the major effect of the referral.



Additional ballot title requirements apply to referrals requesting a general obligation bond, a local option tax, or a permanent rate limit.




For further information you may contact the Elections Division, your bond counsel, or the Oregon Department of Revenue, Property Tax Division 800 356 4222.



3 Notice

After receiving a ballot title from the city governing body or the city attorney, the city elections official publishes notice in the next available edition of a newspaper of general circulation that any voter may challenge the ballot title. It is advisable to also publish the notice on the city website for a minimum of seven days. The notice must include all of the following:


- a statement that a ballot title has been received and that any voter may file a petition for review of the ballot title;
- the deadline for filing a petition for review of the ballot title with the circuit court; and
- the ballot title provided by the city governing body or city attorney or information on how to obtain a copy.

 Notice must be published prior to the deadline to file a petition to review the ballot title.

4 Ballot Title Appeal


Any registered voter who is dissatisfied with the ballot title may petition the circuit court to review the ballot title. If a registered voter files a petition to review a ballot title with the circuit court, the voter must:

- name the city governing body or city attorney as respondent, depending who prepared the ballot title;
- state the reasons why the ballot title is insufficient, not concise or unfair; and
- notify the city elections official in writing that a petition has been filed.

 If the notification of the city elections official is not timely filed, the petition to the circuit court may be dismissed.

5 Circuit Court Review

When a petition is filed, the circuit court conducts its review and renders its decision certifying a ballot title meeting the requirements of ORS 250.035. The review of the ballot title by the circuit court shall be the first and final review.


 If the Circuit Court certifies a different ballot title, the city elections official forwards the final ballot title to the city official authorized to submit notice of measure election for preparation of form [SEL 802](#).

Explanatory Statement

ORS 251.067, 251.285, 251.345, and OAR 165-022-0040

An explanatory statement is an impartial, simple and understandable statement explaining the measure. The city governing body must prepare and file an explanatory statement of no more than 500 words for a referral **only** if:

- the county is producing a voters' pamphlet
- or
- the referral will appear in the state voters' pamphlet.

 Cities are encouraged to adopt and comply with an ordinance that provides a judicial review procedure for an explanatory statement which is contested. If a city measure is to appear in the state voters' pamphlet, a judicial review procedure is required.



See the State Voters' Pamphlet Manual available at www.oregonvotes.gov for additional requirements for referrals appearing in the state voters' pamphlet.

Certification of Referral to Ballot

ORS 254.095

The city governing body must certify that the challenge process is complete and file the final ballot title on:



Form SEL 802 Notice of Measure Election – City.



If the county is producing a voters' pamphlet, the county elections official will reject any SEL 802 that is not accompanied by an explanatory statement.

After receiving a city referral, the county elections official assigns a measure number.



Ballot measure numbers will not be repeated. If the measure is later removed from the ballot, the measure number will not be re-used.

Withdrawal of Referral

To withdraw a referral, the city governing body must complete and file with the county elections official:



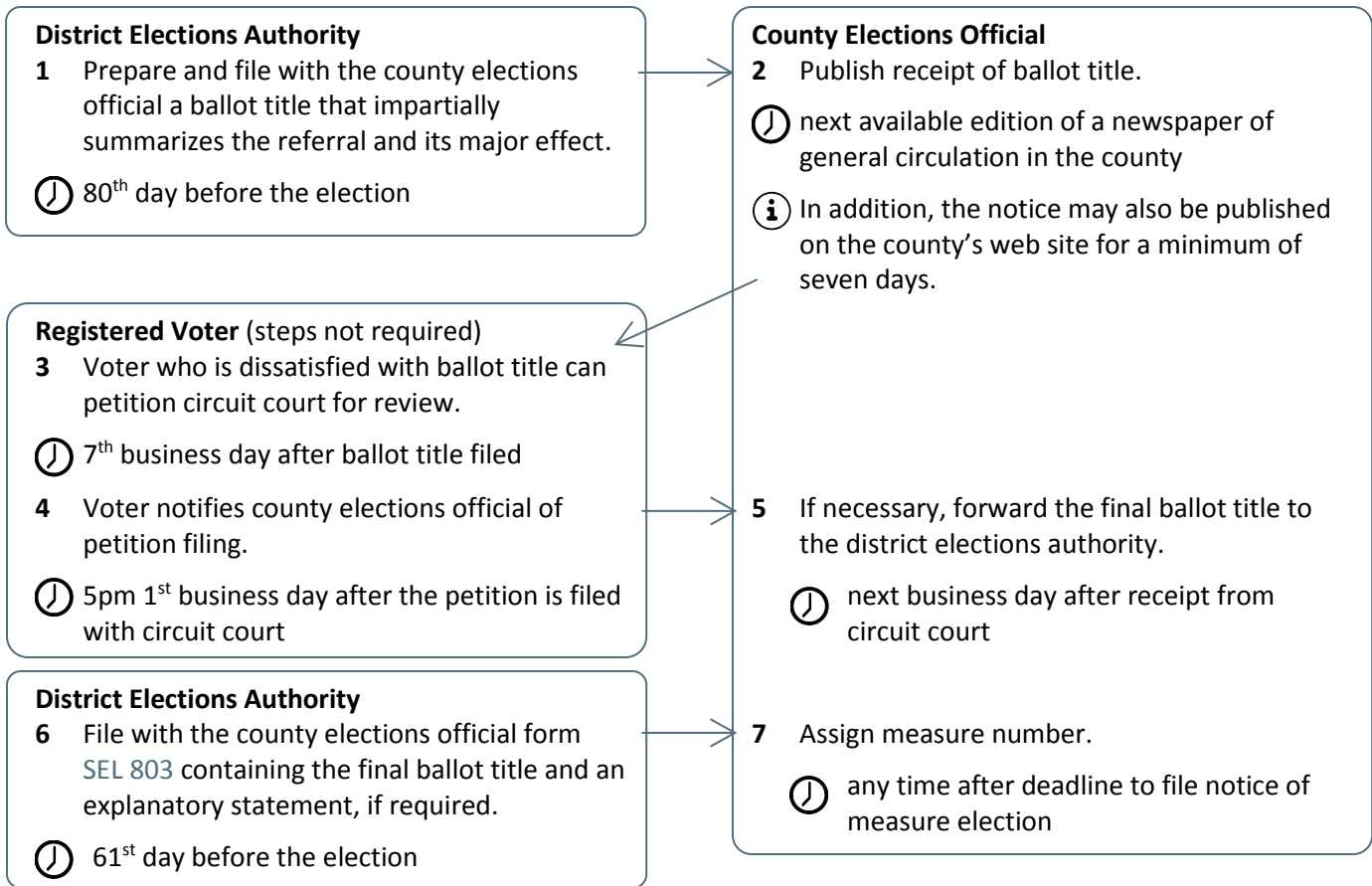
Form SEL 804 Withdrawal - Notice of Measure Election.



The SEL 804 must be submitted no later than the 61st day before the election.



District Referral Steps



District Referral Process

i Districts do not have authority to place advisory questions on the ballot, and a district’s legislative authority extends only as far as allowed by state statute. Districts should refer to their principal act.

Once a district elections authority adopts a resolution referring a measure for the voters to decide, a ballot title must be drafted. All ballot titles must comply with the requirements in ORS 250.035.

Ballot Title

ORS 250.035, 255.085 and 255.145

A ballot title is a concise and impartial statement that will be printed on the ballot summarizing the measure and its major effect. Any voter may challenge the ballot title in circuit court, and the referral may only appear on the ballot once this process is complete.

1 Preparation

The ballot title is prepared by the district elections authority with the assistance of the District Attorney of the county where the administrative office of the district is located or an attorney employed by the district.

2 Format

Each ballot title must contain all of the following elements:

- a caption that does not exceed 10 words describing the subject of the referral;
- a question that does not exceed 20 words plainly phrasing the main purpose of the referral so that an affirmative response to the question corresponds to a yes vote on the referral; and
- a summary that does not exceed 175 words describing the major effect of the referral.



Additional ballot title requirements apply to referrals requesting a general obligation bond, a local option tax, or a permanent rate limit.



For further information you may contact the Elections Division, your bond counsel, or the Oregon Department of Revenue, Property Tax Division 800 356 4222.

3 Notice

The district elections authority must file the ballot title with the county elections official for publication of notice. It is advisable to also publish the notice on the district website for a minimum of seven days. The ballot title may be filed using:



Form SEL 805 Request for Ballot Title – Preparation or Publication of Notice

The county elections official publishes in the next available edition of a newspaper of general circulation or mails to each voter in the district a notice that a ballot title has been received. It is advisable to also publish the notice on the county website for a minimum of seven days. The notice must include all of the following:

- date of the election;
- a statement that a ballot title has been received and that any voter may file a petition for review of the ballot title;
- the deadline for filing a petition for review of the ballot title with the circuit court;
- the ballot title drafted or information on how to obtain a copy; and
- other information as applicable from the SEL 803 filed by the district elections authority.



Notice must be published prior to the deadline to file a petition to review the ballot title.

4 Ballot Title Appeal

Any registered voter who is dissatisfied with the ballot title may petition the circuit court to review the ballot title. If a registered voter files a petition to review a ballot title with the circuit court, the voter must:

- name the district elections authority as respondent;
- state the reasons why the ballot title is insufficient, not concise or unfair; and
- notify the county elections official in writing that a petition has been filed.




If the notification of the county elections official is not timely filed, the petition to the circuit court may be dismissed.



5 Circuit Court Review

When a petition is filed, the circuit court conducts its review and renders its decision certifying a ballot title meeting the requirements of ORS 250.035. The review of the ballot title by the circuit court shall be the first and final review.

-  If the Circuit Court certifies a different ballot title, the county elections official forwards the final ballot title to the district elections authority for preparation of form SEL 803 and must publish an amended notice of election in the next available edition of a newspaper of general circulation in the district.

Explanatory Statement


ORS 251.067, 251.285, 251.345, and OAR 165-022-0040


An explanatory statement is an impartial, simple and understandable statement explaining the measure. The district elections authority must prepare and file an explanatory statement of no more than 500 words for a referral **only** if:

→ the county is producing a voters' pamphlet

or

→ the referral will appear in the state voters' pamphlet.

-  Districts are encouraged to adopt and comply with an ordinance that provides a judicial review procedure for an explanatory statement which is contested. If a district measure is to appear in the state voters' pamphlet, a judicial review procedure is required.


-  See the [State Voters' Pamphlet Manual](http://www.oregonvotes.gov) available at www.oregonvotes.gov for additional requirements for referrals appearing in the state voters' pamphlet.

Certification of Referral to Ballot

ORS 255.085

The district elections authority must certify that the challenge process is complete and file the final ballot title on:


-  Form SEL 803 Notice of Measure Election – District.

 If the county is producing a voters' pamphlet, the county elections official will reject any SEL 803 that is not accompanied by an explanatory statement.

Withdrawal of Referral

To withdraw a referral, the district elections authority must complete and file with the county elections official:

-  Form SEL 804 Withdrawal - Notice of Measure Election.

 The SEL 804 must be submitted no later than the 61st day before the election.



List of Forms

SEL 801

Notice of Measure Election – County

SEL 802

Notice of Measure Election – City

SEL 803

Notice of Measure Election – District

SEL 804

Withdrawal – Notice of Measure Election

SEL 805

Ballot Title Request – Preparation or Publication of Notice