Chapter 254

1961 REPLACEMENT PART

(1963 reprint)

Initiative, Referendum and Recall

INITIATIVE AND REFERENDUM

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INITIATIVE AND REFERENDUM

254.010 [Repealed by 1957 c.608 §231]

254.020 [Repealed by 1957 c.608 §231]

254.030 Filing copy of petition with Secretary of State before circulating; sheets for signatures; filing petition; preservation. (1) Before or at the time of beginning to circulate any petition for the referendum to the people on any Act or part of any Act of the Legislative Assembly, or for any law, amendment to the Oregon Constitution, city ordinance or amendment to a city charter proposed by the initiative, the persons or organizations under whose authority the measure is to be referred or initiated shall send or deliver to the Secretary of State, city clerk, recorder or auditor, as the case may be, a signed copy of such petition. Such officer shall file the signed copy in his office, and shall immediately examine it and specify the form, kind and size of paper on which such petition shall be printed for circulation for signatures. To every sheet of petitioners' signatures shall be attached a full and correct copy of the measure proposed by initiative petition; but such petition may be filed by the Secretary of State in numbered sections for convenience in handling. Each sheet of petitioners' signatures upon referendum petitions shall be attached to a full and correct copy of the measure on which the referendum is demanded. This may be filed in numbered sections in the manner of initiative petitions. Not more than 20 signatures on one sheet shall be counted.

(2) When any initiative or referendum petition is offered for filing the Secretary of State shall detach the sheets containing the signatures and affidavits and attach all of them to one or more printed copies of the proposed measure. If the sheets are too bulky for convenient binding in one volume, they may be bound in two or more volumes, those in each volume to be attached to a single printed copy of the measure. If any such measure is, at the ensuing election, approved by the people, then the copies so preserved, with the sheets, signatures, affidavits and a certified copy of the Governor's proclamation declaring it approved by the people, shall be bound together so they may be conveniently identified and preserved for a period of six years. At the end of that period the sheets, signatures and affidavits may be removed for disposal. A single printed copy of the measure and the Governor's proclamation shall be preserved as a permanent public record.

[Amended by 1957 c.608 §167; 1961 c.80 §1]

254.040 Verification of signatures. (1) Every sheet of each initiative or referendum petition containing signatures shall be verified on the face thereof by the affidavit of the person who circulated the sheet, stating that every person who signed the sheet did so in his presence and that he believes that each signer stated his correct residence address and is a registered elector.

(2) The county clerk of each county in which a petition is signed shall compare the signatures of registered electors signing it with the signatures of registered electors on the register of electors and shall make and attach to the petition his certificate stating the number of signatures he believes to be genuine. The certificate is prima facie evidence of the facts stated therein and of the qualifications of the registered electors whose signatures are included in the number certified to be genuine.

(3) The Secretary of State shall count only the signatures on the petitions that are included in the number certified by the county clerk to be genuine and those remaining signatures that are proved to be the genuine signatures of registered electors by the official certificate of a notary public of the county in which the signer resides.

(4) The county clerk shall not retain in his possession any petition or any part of one for longer than two days for the first 200 signatures on it and one additional day for each 200 additional signatures, or fraction thereof, on the sheets presented to him. At the expiration of that time he shall deliver it to the person from whom he received it, with his certificate attached.

[Amended by 1957 c.608 §168; 1959 c.177 §2]

254.050 [Repealed by 1957 c.608 §231]

254.060 Attorney General to prepare ballot title for certain measures. (1) When a copy of the petition for any measure to be referred to the people of the state or of any district composed of two or more counties, either by the initiative or referendum, is filed with the Secretary of State, as provided by ORS 254.030, or when the submission to the people of any proposed constitutional amendment or measure is ordered by the Legislative Assembly, the Secretary of State shall immediately transmit two copies thereof to the Attorney General.

(2) Within 10 days after receiving the copies the Attorney General shall provide a ballot title for the measure and return one copy to the Secretary of State, together with the ballot title so prepared by him.

(3) A copy of the ballot title shall be furnished by the Secretary of State with his approved form of any initiative or referendum petition, as provided by ORS 254.030, to the persons or organizations under whose authority the measure is initiated or referred.

[Amended by 1953 c.359 §4; 1957 c.608 §169]

254.070 Form and use of ballot title. The ballot title mentioned in ORS 254.060 shall be used and printed on the covers of the petition when in circulation. The ballot title shall consist of a caption not exceeding six words in length by which the measure is commonly referred to or spoken of, followed by an abbreviated statement not exceeding 25 words in length of the chief purpose of the measure. The caption only shall be printed in the foot margin of each signature sheet of the petition. The ballot title shall be printed with the number of the measure on the official ballot. In writing the ballot title the Attorney General shall, to the best of his ability, give a true and impartial statement of the purpose of the measure and in such language that the same shall not be intentionally an argument or likely to create prejudice either for or against the measure.

[Amended by 1953 c.359 §4; 1957 c.608 §170]

254.080 Procedure for person dissatisfied with ballot title prepared by Attorney General. Any person who is dissatisfied with the ballot title provided by the Attorney General, may appeal from his decision to the Supreme Court, by petition praying for a different title and setting forth the reason why the title is insufficient or unfair. No appeal shall be allowed from the decision of the Attorney General on a ballot title unless it is taken within 20 days after the ballot title is filed with the Secretary of State. A copy of every such ballot title shall be served by the Secretary of State upon the person offering or filing an initiative or referendum petition, or appeal. The service of the decision may be by mail or telegraph and shall be made immediately when it is received from the Attorney General by the Secretary of State. Upon appeal the Supreme Court shall examine the measure, hear arguments and in its decision certify to the Secretary of State a ballot title for the measure in accord with the intent of ORS 254.060 to 254.080. The Secretary of State shall print on the official ballot and in the voters' pamphlet the ballot title thus certified to him.

[Amended by 1953 c.359 §4; 1957 c.608 §171]

254.090 Ballot titles to be certified by Secretary of State to county clerks for printing on ballots; printing of titles on ballots. (1) The Secretary of State, at the time he furnishes to the county clerks certified copies of the names of candidates for state and district offices, shall furnish to each county clerk his certified copy of the ballot titles and numbers of the measures to be voted upon at the ensuing general election. He shall use for each measure the ballot title designated in the manner provided in this chapter. The ballot title shall not resemble, so far as to probably create confusion, any title previously filed for any measure to be submitted at that election. He shall number the measures. The ballot titles shall be printed on the official ballot in the order in which Acts referred by the Legislative Assembly and petitions by the people are filed in his office. The first measure shall be numbered 1, the second 2, the third 3, and so on consecutively for all the succeeding measures.

(2) The county clerks shall print the ballot titles and numbers upon the official ballot in the order presented to them by the Secretary of State and in the form and the relative position required by law. District measures and proposals which are not required to be certified by the Secretary of State and other local measures or proposals, excepting city measures, shall be numbered to follow consecutively the proposals certified by the Secretary of State, and in the same manner. No two proposed measures, proposals or questions submitted to the voters of any precinct at the same election, either general or special, shall be assigned identical numbers, whether consolidated or separate ballots are used. Measures referred by the Legislative Assembly shall be designated by the heading "Referred to the People by the Legislative Assembly." Measures referred by petition shall be designated "Referendum Order by Petition of the People." Measures proposed by initiative petition shall be designated and distinguished on the ballot by the heading "Proposed by Initiative Petition."

[Amended by 1953 c.632 §6]

254.100 Ballot titles to be certified by city officers to county clerks for printing on ballots; printing of titles on ballots. The appropriate officer of each city with a population of 2,000 or more, according to the last official federal or state census, at the time he furnishes to the county clerk of the county or of each county in which the city is situated certified copies of names of the candidates for city officers, shall furnish to the county clerk his certified copy of the ballot titles and numbers of the measures to be voted upon at the ensuing general election. He shall use for each measure the ballot title designated in the manner provided in this chapter. The ballot title shall not resemble, so far as to probably create confusion, any title previously filed for any measure to be submitted at that election. He shall number the measures and the ballot titles shall be printed on the official ballot. The first measure shall be numbered 51 in numerals. The succeeding measures shall be numbered consecutively 52, 53, 54 and so on to and including 100, at each election. The county clerk shall print the ballot titles and numbers upon the official ballot in the order presented to him by the city officer and in the form and the relative position required by law.
[Amended by 1953 c.632 §6; 1957 c.608 §172]

254.104 Assignment of additional numbers to measures printed on ballot. If the numbers allotted by ORS 254.090 and 254.100 for measures to be submitted to the people are not sufficient to permit the inclusion of all the measures to be submitted to the people on the ballot using only those numbers, the county clerk, with the approval of the Secretary of State, shall assign the numbers allotted by ORS 254.090 and 254.100 and such additional numbers as are necessary so that all measures to be submitted to the people are included on the ballot.
[1953 c.632 §7]

254.106 Numbering and form of local and city measures appearing on ballot. Notwithstanding the form prescribed by any other provision of law, all district and other local measures and questions and all city measures and questions shall be assigned a number as prescribed by ORS 254.090 and 254.100 and shall be submitted in the form prescribed by ORS 250.110, 254.090, 254.100, 254.104 and 254.106 for submission of measures or questions to the voters of the state at large unless the Secretary of State determines in the specific case that it is not practicable to submit the district or other local measure or question or the city measure or question in the form required by such sections.
[1953 c.632 §5; 1957 c.608 §173]

254.110 Voting and number of votes necessary to adopt measure; conflict between measures adopted. The manner of voting upon measures submitted to the people shall be the same as is now or may be required by law. No measure shall be adopted unless it receives an affirmative majority of the total number of votes cast on the measure and entitled to be counted under the provisions of this chapter. For example, if 70,000 ballots are properly marked on any measure, it shall not be adopted unless it receives more than 35,000 affirmative votes. If two or more conflicting laws are approved at the same election, the law receiving the greatest number of affirmative votes shall be paramount in all particulars as to which there is a conflict, even though such law may not have received the greatest majority of affirmative votes. If two or more conflicting amendments to the Constitution are approved at the same election, the amendment receiving the greatest number of affirmative votes shall be paramount in all particulars as to which there is a conflict, even though such amendment may not have received the greatest majority of affirmative votes.

254.120 Canvassing returns; proclamation of results. (1) The votes on measures and questions shall be counted, canvassed and returned by the regular election boards and officers in the same manner as votes for candidates. The abstract made by the county clerks of votes on measures and questions shall be returned to the Secretary of State or to the appropriate city officer, as the case may be, on abstract sheets in the manner provided by ORS 250.810 for abstracts of votes for state, county and city officers.

(2) The Secretary of State shall, in the presence of the Governor, as soon as possible within 30 days after the election, canvass the votes for each measure or question. The Governor shall immediately issue his proclamation, giving the whole number of votes cast for and against each measure and question, and declaring measures and questions approved by a majority of those voting thereon to be in full force and effect as the

law from the date prescribed by law. If two or more measures are approved at the election which are known to conflict with each other or to contain conflicting provisions, he shall also proclaim which is paramount in accordance with the provisions of ORS 254.110.

(3) The appropriate city officer shall, as soon as possible within 30 days after the election, canvass the vote given for each proposed charter amendment or measure or question as the charter or ordinances of his city provide and proclaim which is paramount in the manner provided by the charter or ordinance provisions.
[Amended by 1957 c.608 §174]

254.130 Procedures with respect to city legislation, in cities not having conflicting procedures, to be similar to initiative and referendum procedures for measures relating to the people of the state. (1) In all cities which do not provide by ordinance or charter for the manner of exercising the initiative and referendum powers reserved by the Oregon Constitution to the people, as to their municipal legislation, the duties required of the Secretary of State by ORS 254.030 to 254.100, 254.110 to 254.170 and 255.410 to 255.450, as to state legislation, shall be performed as to such municipal legislation by the city clerk, auditor or recorder, as the case may be. The duties required of the Governor shall be performed by the mayor as to such municipal legislation. The duties required by ORS 254.030 to 254.170 and 255.410 to 255.450 of the Attorney General shall be performed by the city attorney as to such municipal legislation. Except as otherwise provided in this section, ORS 254.030 to 254.100, 254.110 to 254.170 and 255.410 to 255.450 shall apply in every city in all matters concerning the operation of the initiative and referendum in its municipal legislation, on which the city has not made or does not make conflicting provisions.

(2) Not less than eight days before the election at which the measures are to be voted upon, the city clerk, auditor or recorder, as the case may be, shall cause copies of the voters' pamphlets containing such measures to be distributed in such a manner that a copy is available to each registered elector in the city.

(3) Arguments supporting municipal measures shall be filed with the city clerk, auditor or recorder, not less than 30 days before the election at which they are to be voted upon. Opposing arguments shall be filed not less than 30 days before the election.

(4) The person or organization filing any argument under subsection (3) of this section shall pay to the city clerk, auditor or recorder at the time of filing such argument a fee determined by the city clerk, auditor or recorder to be sufficient to pay all the expenses for paper and printing of the argument, excluding binding, in the voters' pamphlet. When such arguments are printed in the voters' pamphlet and the costs finally determined, the city clerk, auditor or recorder shall refund to the person or organization who paid it to him any surplus fee. The cost of printing, binding and distributing the measures proposed and of binding and distributing the arguments shall be paid by the city, it being intended that only the cost of paper and printing the arguments, excluding binding, shall be paid by the persons or organizations filing them. Such persons or organizations shall not be charged any higher rate for such work and paper than is paid by the city for similar work and paper. The printing shall be done in the same manner that other city printing is done.

(5) Except as otherwise provided in this section, it is intended to make the procedure in municipal legislation, as nearly as practicable, the same as the initiative and referendum procedure for measures relating to the people of the state at large.
[Amended by 1957 c.608 §175; 1959 c.457 §7]

254.140 Signing, verifying and filing referendum petitions against ordinance, franchise or resolution. Referendum petitions against any ordinance, franchise or resolution passed by a city council shall be signed by not less than 10 percent of the voters of the city. The signatures shall be verified in the manner provided in ORS 254.040. The register of electors in the office of the county clerk of the county in which such city is situated shall be available for verifying the signatures. The petition shall be filed with the city clerk, auditor or recorder, as the case may be, within 30 days after the passage of the ordinance, resolution or franchise.
[Amended by 1957 c.608 §176]

254.150 Procedure for initiative measures on a city ordinance, charter or amendment to charter. If any ordinance, charter or amendment to the charter of any city is proposed by initiative petition, the petition

shall be filed with the city clerk, auditor or recorder, as the case may be, and he shall transmit it to the next session of the city council. The council shall either ordain or reject it, as proposed, within 30 days. If the council rejects it or takes no action on it, the city clerk, auditor or recorder, as the case may be, shall submit it to the voters of the city at the next election held not less than 90 days after it was first presented to the city council. The council may ordain the ordinance or amendment and refer it to the people or it may ordain such ordinance without referring it to the people. If the latter is done it shall be subject to referendum petition in like manner as other ordinances. If the council rejects the ordinance or amendment or takes no action on it, it may ordain a competing ordinance or amendment, which shall be submitted by the city clerk, auditor or recorder, as the case may be, to the people of the city at the same election at which the initiative proposal is submitted. Such competing ordinance or amendment shall be prepared by the council and ordained within 30 days allowed for its action on the measure proposed by initiative petition. The mayor shall not have power to veto either of such measures. If conflicting ordinances or charter amendments are submitted to the people at the same election, and two or more conflicting measures are approved by the people, then the measure which received the greatest number of affirmative votes shall be paramount in all particulars as to which there is conflict, even though such measure may not have received the greatest majority.

254.160 Qualifications for signers of petition. (1) Any registered elector of the state may sign a petition for the referendum or for the initiative for any measure which he is entitled to vote upon.

(2) No person shall sign any name other than his own to any petition or knowingly sign his name more than once for the same measure at one election; nor shall anyone sign who is not, at the time of signing, a registered elector of this state. No officer or person shall wilfully violate any provision of ORS 254.030 to 254.100, 254.110 to 254.170 or 255.410 to 255.450.
[Amended by 1957 c.608 §177]

254.170 ORS 254.030 to 254.100, 254.110 to 254.170 and 255.410 to 255.450 do not apply to local option liquor laws. ORS 254.030 to 254.100, 254.110 to 254.170 and 255.410 to 255.450 do not apply to the provisions of the local option liquor laws providing methods of determining whether the sale of intoxicating liquors shall be prohibited in any county or city.
[Amended by 1957 c.608 §178]

254.180 Estimate of amount involved on measures proposing expenditure of public money or a reduction of state revenues, imposing a tax or incurring any indebtedness. Whenever any measure involving the expenditure of public money by the state, a reduction of state revenues or the raising of funds by the state by imposing any tax or incurring any indebtedness is proposed by initiative or referred by referendum petition or by the Legislative Assembly, the Secretary of State, with the assistance of the State Treasurer, the Director of the Department of Finance and Administration and the State Tax Commission, shall estimate in dollars the amount of expenditure, reduction in state revenues, tax revenue or indebtedness and interest which will be required to meet the provisions of the measure should it be enacted. Such estimate shall state the recurring annual amount involved or, if the measure does not involve such a recurring annual amount, the total amount. The estimate shall be certified by at least two of the officials named in this section and, not later than the ninetieth day before the election at which the measure is to be voted upon, it shall be filed, with the data upon which it is based, in the office of the Secretary of State. Thereafter it shall be available for public inspection. If the measure involves only administrative expenses not exceeding $50,000 per annum, the estimate shall not be printed in the voters' pamphlet or on the ballot as prescribed in ORS 254.190.
[Amended by 1953 c.150 §2; 1957 c.608 §179]

254.190 Estimate, if measure involves administrative expenses exceeding $50,000, to be printed on ballot and in voters' pamphlet. The Secretary of State shall cause the estimate provided in ORS 254.180 to be printed immediately following the ballot title of the measure to which it pertains when the measure appears in the voters' pamphlet published by him pursuant to ORS 255.410 to 255.450. When the Secretary of State, pursuant to ORS 254.090, furnishes to the county clerks the certified copy of the ballot title of any measure specified in ORS 254.180, he

shall furnish each county clerk his certified copy of the estimate provided in ORS 254.180. Each county clerk shall print the estimate on the official ballot immediately following the ballot title of the measure to which it pertains.

254.200 [Repealed by 1957 c.608 §231]

254.210 Appointment of committee to draft explanatory statement of measure proposed by initiative or referendum. At least 120 days prior to any election at which any legislative or constitutional measure is to be submitted to the people of the state by initiative or referendum, a committee of three citizens shall be selected, for each measure, to prepare the statement referred to in ORS 254.220 for that particular measure. The Secretary of State shall appoint two members of each committee, one of whom shall be from among the proponents, if any, of the particular measure and the other from among the opponents, if any, of the measure. Those two shall select the third member and notify the Secretary of State of the selection. If the two members have not selected the third member at least 100 days before the election, the third member shall be appointed by the Secretary of State. The Secretary of State shall also appoint a member to fill any vacancy which may occur.
[Amended by 1957 c.608 §180]

254.220 Drafting an explanatory statement of measure proposed by initiative or referendum. At least 90 days prior to the election at which any legislative or constitutional measure is to be submitted to the people of the state by initiative or referendum, the committee referred to in ORS 254.210 shall prepare for the particular measure and file as a public document with the Secretary of State, an impartial, simple and understandable statement explaining the measure and its effect. The statement shall not exceed 500 words. Any interested person may file suggested changes in the statement with the Secretary of State not later than 81 days prior to the election. On the basis of such suggestions, the committee shall make such changes in the statement as it deems proper. It shall file any revised statement with the Secretary of State not later than 75 days prior to the election. The original statement and any revised statement shall be concurred in and certified by the committee or at least two of its members. If one member of the committee does not concur, the statement shall show only that he dissents.
[Amended by 1957 c.608 §181]

254.230 to 254.280 [Reserved for expansion]

254.290 [Repealed by 1957 c.608 §231]

254.300 [Reserved for expansion]

INITIATIVE AND REFERENDUM IN COUNTIES AND IN MUNICIPALITIES OTHER THAN CITIES

254.310 Procedure in counties in the use of the initiative and referendum. The people of every county are authorized to enact, amend or repeal all local laws for their county by the initiative and referendum process. The procedure to be followed is provided by ORS 254.030 to 254.170, 254.320, 254.330 and 255.410 to 255.450, making effective the initiative and referendum powers reserved to the people by sections 1 and 1a, Article IV, Oregon Constitution, except that the cost of paper, printing, binding and distributing of measures and arguments in the voters' pamphlet shall be paid for by the persons or organizations filing arguments and the county in as nearly as possible the same manner as provided in ORS 254.130 with respect to municipal measures.
[Amended by 1957 c.608 §182; 1959 c.457 §8]

254.320 Referendum on laws affecting counties, districts, ports or municipalities other than cities. Any law enacted by the Legislative Assembly relating only to any county, district, port or municipal corporation, other than a city, may be referred to the people of such county, district, port or municipal corporation for their approval or rejection in the same manner as provided by law for the reference of general laws to the people of the entire state. However, when any law relates to one county or a district, port or municipal corporation, other than a city, situated wholly within one county, the county clerk shall be substituted for the Secretary of State, the district attorney for the Attorney General and the county judge or chairman of the board of county commissioners for the Governor. When such law affects any district, port or municipal corporation, other than a city, consisting of more than one county or situated in two or more counties, it shall be referred to the people of such district, port or municipal corporation in the manner provided for the reference of Acts affecting the entire state. However, the petition for it shall be signed only by the voters of such district, port or municipal corporation. In each case the percentage shall be

computed on the vote at the preceding election in such county, district, port or municipal corporation for Supreme Court Judge.
[Amended by 1957 c.608 §183]

254.330 Notice to Secretary of State of petition filed and certification of election result. When any petition for the referendum is filed with any county clerk, as provided in ORS 254.320, he shall notify the Secretary of State of that fact. When the election on the referendum has been held and the vote canvassed, the county clerk shall certify the result to the Secretary of State.
[Amended by 1957 c.608 §184]

254.340 Procedure for municipalities and districts in use of the initiative and referendum. (1) Any municipality or district in exercising the powers of the initiative and referendum granted by sections 1 and 1a, Article IV, Oregon Constitution, shall follow the procedure in ORS 221.210, 221.310, 250.230, 254.030 to 254.100, 254.110 to 254.170, 254.320, 254.330, and 255.410 to 255.450 except that the cost of paper, printing, binding and distributing of measures and arguments in the voters' pamphlet shall be paid for by the persons or organizations filing arguments and the municipality or district in as nearly as possible the same manner as provided in ORS 254.130 with respect to municipal measures.

(2) When a county or any municipality or district situated solely within one county is exercising these powers, the county clerk shall be substituted for the Secretary of State, the district attorney for the Attorney General and the county judge or chairman of the board of county commissioners for the Governor; and appeals by those who may be dissatisfied with the ballot title shall be taken to the circuit court of the county.

(3) For the purposes of this section the term "municipality or district" includes ports and all other political subdivisions of the state.
[Amended by 1957 c.608 §185; 1959 c.457 §9]

254.350 to 254.400 [Reserved for expansion]

RECALL OF PUBLIC OFFICER

254.410 Procedure for filing recall petitions; contributions and expenditures. (1) Before any petition demanding the recall of a public officer is circulated for signatures, one or more sponsors of the petition shall sign and file it with the officer who is authorized to order the recall election. They shall also file with the signed petition a sworn statement by one of them giving the name and address of all contributors and members of their recall organization. However, any association or organization that has been chartered or incorporated under the laws of Oregon and has been in existence for five years or more, prior to June 9, 1933, shall only be required to file the names of their officers and their fiscal agent as treasurer. They shall also file with the sworn statement an itemized statement of all contributions and expenditures in behalf of and in preparation for the recall before the date of the filing.

(2) From and after the date of the original filing no person, corporation or association shall contribute or expend any money for or against the recall except through the treasurer mentioned in ORS 254.440.

(3) Only registered electors are entitled to sign or file recall petitions.
[Amended by 1957 c.608 §186]

254.420 Time for completing filing; verification of signatures; certain matter to be printed on petitions. (1) Every recall petition shall be void unless completed and filed on or before the ninetieth day after filing the original petition and itemized statement mentioned in ORS 254.410.

(2) All provisions for verification of signatures on the initiative and referendum petitions required by ORS 254.040 are applicable and required for the verification of signatures on recall petitions.

(3) The words "Petition for recall of (name and title of officer)" and the date of the first filing required by ORS 254.410 shall be printed on the foot margin of every sheet of the recall petition.

254.430 Delivery of verified sections of petition; duties of public officers in charge. The county clerk, from day to day, as he verifies the signatures on recall petitions, shall deliver the verified parts or sections of the petitions to the officer with whom the completed petition is to be filed. The verified signature sheets and petitions shall not be returned to the recall sponsors nor to the circulators. It is the duty of the public officers in charge of the recall petitions and parts or sections thereof to answer citizens'

questions from day to day concerning the number of verified signatures thereon.

254.440 Appointment and duties of treasurer; record of contributions and disbursements. (1) The sponsors or opposers of such recall shall appoint one person their fiscal agent, as treasurer, whose proper and official address shall be designated on the petitions for the recall committee or recall organization. The treasurer shall keep an accurate record of all receipts and disbursements from the fund, together with vouchers and receipts for all items of disbursements in excess of $10. This record shall be a public record and shall be subject to inspection by any state officer, or by the designated officer or agent of any person or association opposing such recall, at any time during usual office hours. The treasurer shall safely keep the records and receipts for six months following the recall election.

(2) No one but the person designated by the sponsors or opposers shall expend any money or value in support of the recall. No contribution from any corporation, committee or association shall be accepted by the treasurer unless there is filed with it a sworn statement, by an officer of the organization, giving the name and address of each person who paid more than $10 of such contribution.

(3) All provisions of this section apply in like manner to contributions and expenditures of money in the campaign by or for defense of the officer whose recall is demanded.

254.450 "Preceding election" explained; percentage of electors required. The "preceding election" upon which the requisite number of recall petition signers shall be based is the preceding general election. The number of electors to be considered in determining the sufficiency of the petition is 25 percent of the total of the votes cast for all candidates for Judge of the Supreme Court for that position for which the greatest number of votes were cast at the election.

254.460 Violation of ORS 254.410 to 254.450 invalidates petition. Any wilful or intentional violation of ORS 254.410 to 254.450 by the sponsor or sponsors of the recall petition or by the treasurer shall render the petition void.

254.470 to 254.500 [Reserved for expansion]

PROHIBITIONS CONCERNING CIRCULATION, CERTIFICATION AND FILING OF INITIATIVE, REFERENDUM AND RECALL PETITIONS

254.510 Misrepresentation of contents or purport of petition. No person circulating, as principal or agent, or having charge or control of the circulation of, or obtaining signatures to, any petition authorized or provided for by the Constitution or laws of Oregon regulating or providing for the operation of the initiative, referendum or recall, shall misrepresent or make any false statement concerning the contents, purport or effect of any such petition to any person who signs, desires to sign, is requested to sign, who makes inquiry with reference to any such petition or to whom any such petition is presented for his signature.

254.520 False statements for purpose of obtaining signatures. No person shall wilfully or knowingly circulate, publish or exhibit any false statement or representation concerning the contents, purport or effect of any petition mentioned in ORS 254.510 to 254.580 for the purpose of obtaining any signature to any such petition or for the purpose of persuading any person to sign any such petition.

254.530 Filing of petition bearing false or fraudulent signatures. No person shall file in the office of the county clerk or other officer provided by law to receive such filing, any petition mentioned in ORS 254.510 to 254.580 to which is attached, appended or subscribed any signature which the person filing the petition knows to be false, fraudulent or not the genuine signature of the person purporting to sign the petition, or whose name is attached, appended or subscribed to it.
[Amended by 1957 c.608 §187]

254.540 Circulation of petition containing forged or fictitious names. No person shall circulate or cause to be circulated, any petition mentioned in ORS 254.510 to 254.580, knowing it to contain false, forged or fictitious names.

254.550 Making of false affidavits concerning petition. No person shall make any false affidavit concerning any petition mentioned in ORS 254.510 to 254.580, or the signatures appended to it.

254.560 Making of false return or certification. No public official or employe shall knowingly make any false return, certification or affidavit concerning any petition mentioned in ORS 254.510 to 254.580, or the signatures appended to it.

254.570 Duplication of signatures; signing by unqualified person. No person shall knowingly sign his own name more than once to any petition mentioned in ORS 254.510 to 254.580 or sign his name to any such petition knowing himself at the time of signing not to be qualified to sign it.

254.580 Use of threats and intimidation for purpose of extorting money. No person shall, for any pecuniary reward or consideration:

(1) Offer, propose, threaten or attempt to sell, hinder or delay any petition mentioned in ORS 254.510 to 254.580, any part thereof or any signatures thereon.

(2) Offer, propose or threaten to desist from beginning, promoting or circulating any petition mentioned in ORS 254.510 to 254.580, or soliciting signatures to any such petition.

(3) Offer, propose, attempt or threaten in any manner or form to use any petition mentioned in ORS 254.510 to 254.580 or any power of promotion or opposition concerning such petition in any manner or form for extortion, blackmail or secret or private intimidation of any person or business interest. [Amended by 1957 c.608 §188]

254.590 Acceptance or giving of compensation for obtaining signatures. No person shall give, pay or receive any money or other valuable consideration for securing signatures of electors upon any petition for the initiation of any measure or referendum on any measure or for the recall of any public officer.

254.600 Sponsor of initiative or referendum petition to file statement of receipts and expenditures; effect of failure to file. (1) The sponsors of any initiative or referendum petition, at the time of filing their completed petition, shall file with it a statement showing the contributions and expenditures for the petition. This shall be verified by the sponsor or sponsors filing the petition, giving the name and postoffice address of every contributor to the expense of the petition and the amount paid by each. The statement shall also contain the name and postoffice address of every person to whom, and for what service, any money was paid or promised on account of the petition or which is owed and to be paid.

(2) If such verified statment is not filed, as required by this section, the Secretary of State shall not place the measure petitioned for on the official ballot.

254.610 to 254.980 [Reserved for expansion]

PENALTIES

254.990 Penalties. (1) Violation of subsection (2) of ORS 254.160 is punishable, upon conviction, by a fine not exceeding $500 or by imprisonment in the penitentiary not exceeding two years, or both.

(2) Violation of ORS 254.410 to 254.450, is punishable, upon conviction, by a fine not exceeding $100 or imprisonment in the county jail not exceeding 60 days, or both.

(3) Violation of ORS 254.510 to 254.570, by any person, either as principal or agent, is punishable, upon conviction, by a fine not exceeding $5,000 or imprisonment in the penitentiary or county jail not exceeding two years, or both such fine and imprisonment.

(4) Violation of ORS 254.580, by any person, either as principal or agent, is punishable, upon conviction, by a fine not exceeding $5,000 and imprisonment in the penitentiary not exceeding two years.

(5) Violation of ORS 254.590 is punishable, upon conviction, by a fine of not less than $50 or exceeding $100 or imprisonment in the county jail for not less than 25 days or exceeding 50 days, or both.

(6) Violation of ORS 254.600 is punishable, upon conviction, by a fine not exceeding $100 or imprisonment in the county jail not exceeding 30 days, or both.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1961.

Sam R. Haley
Legislative Counsel