

Chapter 331

1963 REPLACEMENT PART

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GENERAL PROVISIONS

331.005 Notice of school matters to be given as provided in ORS 331.010. Except as provided in ORS 294.421 and 331.140, and notwithstanding any other provision of law, notice of school elections, school meetings, school district organization and consolidation, school district budgets and school district purchasing shall be given only as provided in ORS 331.010.
[1957 c.310 §1]

331.010 Notices of meetings and elections. (1) The clerk of any school district in which a newspaper is published shall publish a notice of each annual and each special school meeting or election in one or more of the newspapers published in the district and having a general circulation in the district, or if no newspaper is published in the district, then in some newspaper designated by the district school board and having circulation in the school district. The notice shall be published in at least two issues of the newspaper. The first publication shall be not more than 25 days nor less than 15 days preceding the meeting or election and the last publication shall be not more than 14 days nor less than eight days preceding the meeting or election.

(2) At least 15 days prior to the meeting or election, the clerk shall in school districts with a population of less than 100,000, according to the latest federal census, also post the notice in at least three conspicuous public places in the district. If the notice is of:

(a) A meeting, one such notice shall be posted at the place of meeting.

(b) An election, one such notice shall be posted at each polling place.

(3) The clerk shall record in his minute book the time and place of posting each of the notices required in subsection (2) of this section.

[Amended by 1957 c.310 §9; 1961 c.10 §1]

331.015 Duties of school election board; unlawful election practices. (1) In so far as practicable, the general duties of a school election board shall conform to the election board duties as fixed by the general election laws of the State of Oregon.

(2) Unless the context clearly indicates otherwise, the provisions of ORS 260.210 to 260.390 and 260.610 to 260.760 shall apply to all school district elections.

[1963 c.273 §2]

331.020 Qualifications of school voters; absentee voting. (1) Any person who is a registered voter in a precinct or part of a precinct within a school district 30 days prior to a school meeting or election and who has continuously resided in the school district six months immediately prior to the meeting or election shall be entitled to vote on any matter before the meeting or election. In the election, a qualified voter may vote as an absent voter, as defined in subsection (1) of ORS 253.010, in the same manner as is provided in ORS 253.010 to 253.150. For purposes of such election the functions performed by the clerk under ORS 253.010 to 253.150 shall be performed by the school clerk. However, a qualified voter must be present at the meeting to vote on any matter before the meeting.

(2) A registered voter is defined as one who has registered under the general election laws with the county clerk 30 days before a school district meeting or election.

[Amended by 1961 c.361 §1]

331.030 List and roster of voters. (1) The district school clerk shall obtain or prepare an official roster of registered voters of the district and deliver the roster to the chairman or judge of the meeting or election.

(2) On request of the district school clerk, the county clerk shall prepare a list or lists of names and addresses of the registered voters of the precinct or precincts that are within the boundaries of the school district or overlap the same, who were registered at least 30 days prior to such meeting or election. The county clerk may make a reasonable charge for preparing such lists, and the district school clerk is authorized to pay for the same from school district funds, but such payment shall not be in excess of the statutory fee.

(3) Persons voting at the school election shall sign the official roster.

[Amended by 1963 c.273 §3]

331.040 Challenging voters; method of tallying vote of challenged voter; determination of qualification of voter. (1) The chairman of any school meeting, judge of an election or any qualified voter may challenge any person who offers to vote at such meeting or election. The chairman of the meeting or judge of the election shall challenge any person who offers to vote and whose name does not appear on the official roster provided under ORS 331.030.

(2) In case a person has been challenged,

the chairman of the meeting or judge of the election shall administer to or require of each person challenged an oath or affirmation that he will answer truly all questions propounded to him touching on his qualifications as a voter at the meeting or election. Upon taking the oath or affirmation, the chairman or judge shall interrogate him respecting his place of residence and length of residence in the district. If the person so challenged completes and signs the form prescribed in subsection (3) of this section, he shall be allowed to vote. If the vote is taken at a meeting, the vote of each challenged voter shall be tallied separately and identified. If the vote is by ballot, the ballot of the challenged voter shall be captioned on its face "challenged and sworn (or affirmed)."

(3) The district school clerk shall obtain and deliver to the chairman of any school meeting or the judge of an election a supply of challenged voter envelopes on which shall be printed a form substantially in the following form:

I,....., (under oath), do state
(Insert name)

(or affirm) that I am a registered voter of school district No....., of..... County, Oregon, that I have been a registered voter within the district for not less than 30 days prior to this meeting (or election) and that I have been a resident of this school district continuously for six months immediately prior to this meeting (or election).

Subscribed and sworn to (or affirmed)
before me on this.....day of.....19...

The form shall provide a space for the signature of the chairman or judge before whom the oath or affirmation was taken, the signature and address of the challenged voter, the reason for the challenge and the name of the person making the challenge.

(4) When the vote is by ballot, the challenged voter after he has marked his ballot shall place it in the challenged voter envelope described in subsection (3) of this section, seal the envelope and deposit it in the ballot box. The ballots of challenged voters shall not be counted by the counting board but shall be delivered to and held by the district school clerk in the sealed envelope.

(5) When the vote is by voice, the vote of the challenged voter shall be tallied separately from other votes and shall be suitably identified. The vote shall not be counted by

the chairman but notice of the vote and the challenged voter's name shall be sent to the district school clerk.

(6) The district school clerk shall consult with the county clerk and such other public officials as may be necessary to determine whether the challenged voter is in fact a registered voter qualified to vote in the school meeting or election. If the district school clerk finds that the challenged voter is a registered voter qualified to vote in the school meeting, the challenged vote shall be tallied. If the voter is qualified to vote in the school election, the sealed envelope shall be opened and the ballot tallied. However, if the district school clerk finds that the challenged voter is not qualified to vote in the meeting or election, the district school clerk shall notify the district attorney of the fact of the challenged voter's vote and shall send to the district attorney all relevant information, including the ballot, if any, held by the district school clerk, for investigation under the provisions of ORS 260.500.

[Amended by 1963 c.273 §4]

331.050 Limitations on elections in districts from which new administrative school district to be formed. During the period following the last election or action on the formation of an administrative school district and prior to the date the new district comes into existence, the existing district or districts from which the new district will be separated when it comes into existence may hold elections for all purposes as by law provided, but the voters in the new administrative district shall not be eligible to vote in any such election nor shall such election on any measure in said district or districts affect or encumber the area of the new administrative district.

[1961 c.72 §1]

331.060 to 331.100 [Reserved for expansion]

ELECTIONS IN DISTRICTS WITH OVER 100,000 POPULATION

331.110 Manner of holding elections. In school districts having a population of more than 100,000 inhabitants according to the United States census, elections upon all matters which may be placed before the electorate of such districts shall be held as provided in ORS 331.120 to 331.180.

331.120 Election of directors; applicability of election statutes. At each primary election, school directors shall be elected for

a term of four years to succeed the directors whose terms of office expire on June 30 of that year. All elections of school directors shall be held subject to the provisions of ORS 251.015 to 251.090, 255.031 to 255.061, 255.990, 260.010 to 260.090 and 260.110 to 260.530, so far as applicable.

[Amended by 1957 c.608 §230]

331.130 Initiative, referendum, recall and submissions to electorate. The powers of initiative, referendum and recall reserved to the people of such districts by sections 1 and 1a, Article IV of the Oregon Constitution, and section 18, Article II of said Constitution may be exercised at any primary election, any general election or any special election called as provided in ORS 331.140. There may be submitted at any such election to the electorate of such districts the matter of recall of school directors, questions as to the issuance of bonds, the levy of taxes for the support of public schools which may not be levied without the affirmative vote of the people, and any other questions concerning the public schools which may be submitted to the electorate of such districts under the powers of initiative and referendum. The provisions of ORS 331.110 to 331.180 shall be liberally construed to the end that the power to submit the matters aforesaid to the electors of such districts at elections conducted in compliance with the provisions of ORS 331.110 to 331.180 shall be sustained.

331.140 Special elections. In any year during which no primary or general election is held, the district school board of such school districts may call a special election at any time upon questions as to the issuance of bonds, the levy of taxes which may not be levied without the affirmative vote of the people, the recall of directors, and any other school questions which may be submitted to the electorate of such districts. A special election may be called to be held in conjunction with any other special election held in the district in such year.

[Amended by 1961 c.361 §2]

331.150 Questions submitted to electorate by resolution of school board; questions involving increase of tax levy. Any of the questions mentioned in ORS 331.130 and 331.140 to be submitted to the electorate of any such district shall be submitted by resolution of its school board. The resolution shall specify the questions to be voted upon

and the date for holding any special election. A certified copy of such resolution shall be transmitted by the school clerk to the registrar of elections for the county wherein such district is located not less than 35 days before the date of the election. The district school board may adopt such resolution of its own volition and shall adopt such resolution when petitioned by the requisite number of legal voters of the district. If the question to be voted upon is to increase the amount of the tax levy in such district over the amount limited by the Constitution except on vote of the people, such resolution, in addition to stating the amount of the increase, shall contain a statement of the reasons therefor in not to exceed 100 words, and such resolution shall substitute for the certificate referred to in ORS 310.330 to 310.390.

[Amended by 1961 c.361 §3]

331.160 Notice of election; ballots; consolidation of precincts; canvass and return of votes. The registrar of elections of the county in which such district is located shall give notice of the election in the manner provided by ORS 331.010 in lieu of notice by the district clerk as therein provided and shall provide uniform printed ballots which shall contain the names of each candidate for the office of school director whose certificate of nomination has been duly made and filed as provided in ORS 331.170 and the ballot title and text of all measures submitted to the electorate. The election and the canvass and return of votes shall be conducted under the direction of the registrar of elections in the same manner and under the same penalties as prescribed by law relative to county elections except that in district special elections the registrar is empowered to consolidate election precincts to the extent that he deems such consolidation to be feasible and to reduce the number of election boards within the district and the number of clerks on each election board and the number of voting booths at the various polling places to the number which he deems necessary to conduct the special election and to designate the chairman and clerks of each election board from the membership of the regular precinct boards within the district. In consolidating election precincts and reducing the number of election boards within the district under this section, the registrar of elections shall provide for not less than 200 polling places and not less than 200 election boards.

[Amended by 1961 c.10 §2]

331.170 Nomination of directors. The name of any person qualified under ORS 332.077 shall be placed on the ballot as a candidate for the office of school director upon the filing with the registrar of elections of the county in which such school district is located, at least 70 days prior to the date of the primary election, a certificate of nomination signed by not less than two percent of the qualified electors within the territorial limits of such school district voting for the office of school director at the last election at which directors were elected, or, in lieu of such petition, the name of any person qualified to be a school director shall be placed on the ballot as a candidate for such office upon the payment to the registrar of elections of a \$10 fee and the filing with such registrar of a certificate of nomination signed by at least 300 qualified electors within the territorial limits of the district. However, unless such nominee files with the registrar of elections an acceptance of his nomination at least 70 days prior to the date of such election, such nomination shall be void.

331.180 Election costs. The school district shall pay to the county treasurer the actual cost of printing ballots and tally sheets for each election conducted under ORS 331.110 to 331.180 and the cost of checking signatures on certificates of nomination, together with such proportionate part of the general expenses of such election as may be agreed upon by the district school board and the board of county commissioners. If the election is a special election not conducted in conjunction with any other election, then the school district shall pay the entire cost thereof.

331.190 to 331.300 [Reserved for expansion]

ELECTIONS IN FIRST, SECOND AND THIRD CLASS AND UNION HIGH SCHOOL DISTRICTS

331.310 Plurality elects; tie vote. The candidate for the office of director of a school district who receives the plurality of the votes shall be elected. A tie at an election of school officers shall be decided by lot.

331.320 Election procedure generally. (1) Districts of the first class with a population of less than 100,000 persons and districts of the second and third class shall elect directors for each district on the first

Monday in May to serve as provided by law. In all first class districts with a population of less than 100,000 persons, all districts of the second and third class, and all union high school districts such annual and all special elections, including bond elections, shall be by ballot and shall be held from 2 p.m. until 8 p.m., except if they are held in conjunction with a state-wide primary or general election they shall be held during the same hours as the state-wide election. The ballots shall be uniform, and shall be provided by the district school board. The judges and clerks of such elections shall be qualified electors appointed by the district school board to receive the vote and report the results to the board. The annual school election and all other regular or special school elections shall be held at a place or places determined by the district school board but schoolhouses shall be used as polling places in all cases where it is convenient so to do.

(2) The district school board of any such district may subdivide the district into school election precincts for the holding of all elections within the district, and may change and alter such precincts as often as the occasion may require. The district school board shall appoint one election board for each school election precinct in the district. Such election boards shall be comprised of one chairman and at least two clerks and shall be appointed not less than 20 days prior to the date of any school election. Their duties shall, so far as practicable, conform to the election board duties as fixed in the general laws of the State of Oregon. If a vacancy occurs in any such election board subsequent to appointment and prior to the election, the district clerk hereby is empowered to fill such vacancy. When the polls are closed each election board shall certify and report the results to the school board who shall in turn canvass the vote and report the results to the county superintendent and, in cases of tax or bond elections, also to the county treasurer.

[Amended by 1955 c.386 §3; 1957 c.622 §1]

331.330 Director nominations and ballots. (1) The name of any qualified elector shall be placed on the ballot as a candidate for the office of school director of a first, second or third class district upon filing with the district clerk, at least 30 days prior to the date of the election, a certificate of nomination signed by not less than three percent of the number, and in no case by

less than 10 persons, of the qualified electors voting for the office of school director at the last annual school election in the district. However, unless an acceptance of nomination by the nominee is filed with the district clerk at least 30 days prior to the date of such election, such nomination shall be void.

(2) The first, second or third class district school board shall provide uniform ballots containing the names of all candidates for the office of director whose certificates of nomination have been made and filed as provided in this section. At the end of the list of candidates nominated there shall be added a number of blank spaces equal to the number of directors to be elected, in which the elector may write the names of persons not printed on the ballot for whom he wishes to vote.

[Amended by 1955 c.386 §4; 1957 c.622 §2]

331.340 [Repealed by 1955 c.386 §8]

331.350 One director elected annually; term of office. In all first class districts with a population of less than 100,000 persons and in all second and third class districts one director shall be elected at each annual election for a five-year term.

[Amended by 1955 c.386 §5]

331.360 [Repealed by 1955 c.386 §8]

331.370 to 331.400 [Reserved for expansion]

RECALL ELECTIONS

331.410 Recall of school directors. Every school director is subject to recall by the legal voters of the school district for which he is elected or appointed.

331.420 Recall petitions. After filing with the district clerk a petition signed by a number of legal voters of the district equal to 15 percent of the number of children of school age in the district as shown by the last preceding school census, the legal voters of the district may at the next annual school election recall not to exceed two directors. The petition shall be filed with the clerk at least 20 days and not more than 60 days before the annual school meeting or election at which directors are required by law to be elected. When the district clerk has filed petitions for recall of two directors, he shall file no further recall petitions before the annual school election next succeeding.

[Amended by 1955 c.234 §1]

331.430 Reason for recall to be stated; verification of petition; persons ineligible to sign or circulate petition. (1) Every petition for the recall of a school director shall set forth concisely the reason why a recall is demanded. The petition shall be verified by the oath of a legal voter of such school district, showing that each signer of the petition is a legal voter of the district and that the signatures on the petition are genuine.

(2) No school superintendent, supervisor, director, clerk, other school district officer, person employed as a principal or teacher in any school in the district or any student of a school in such district shall sign or circulate any recall petition. If any such disqualified person signs, his name shall not be counted thereon; and if any such disqualified person circulates any such petition, any election held by reason of the filing of such petition may be declared void in a proper proceeding in a court of competent jurisdiction, but shall not be deemed invalid unless so declared.

331.440 Notice of election. Within 10 days after the filing of any recall petition, the district clerk with whom such petition is filed shall give notice of the filing of such petition as provided in ORS 331.010. The notice shall state the date of the filing, the name of each director to be recalled and the time and place of the election, which shall be the time and place of the regular annual school election. The expense of the notice shall be audited and paid by the district school board from the school district funds.

[Amended by 1955 c.234 §2; 1957 c.310 §10]

331.450 Election procedure. The recall election procedure and the method of determining the result shall be the same as is provided by law for the election of school directors in the district involved.

[Amended by 1955 c.234 §3]

331.460 to 331.500 [Reserved for expansion]

SCHOOL MEETINGS

331.510 School meetings; fiscal school year.

(1) The annual school meeting shall be held on the first Monday in May, or, if it is a legal holiday, the next day thereafter, for the transaction of such business as shall properly come before it.

(2) The fiscal school year shall begin on

July 1 and end on June 30 of the year following.

[Amended by 1957 c.622 §3; 1963 c.34 §1]

331.520 Call for meetings. All school meetings must be convened by a written call stating the objects of such meeting, signed by the chairman of the board and the district clerk or by a majority of the district school board.

331.530 Chairman of meetings. The director who has served the longest time as such shall act as chairman of district meetings, and in case of his absence, the other directors in the order of such seniority. In case neither of the directors is present at a district meeting, the qualified voters present shall elect a chairman.

331.540 Conduct of meetings. All district school meetings shall be conducted in a decent and orderly manner, and shall be governed by the rules of order commonly in use by such bodies; provided, that a division shall be granted if demanded by two or more voters of the meeting, except in cases of an election to fill vacancies of district officers.

331.550 Adjournment of school meetings; minutes. School meetings have power to adjourn from time to time. The minutes of all such meetings shall be signed by its chairman and secretary.

331.560 to 331.980 [Reserved for expansion]

PENALTIES

331.990 Penalties. Violation of any of the provisions of ORS 331.010 or 331.310 to 331.550 is a misdemeanor.

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, 1963.

Sam R. Haley
Legislative Counsel

