

Chapter 259

1971 REPLACEMENT PART

Special District Elections

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CROSS REFERENCES

Election offenses, generally, Ch. 260
Special districts, generally, Ch. 198

Voter roster, preparation by county clerk, 246.230

GENERALLY

259.010 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "County clerk" means the county clerk of the county or counties in which a district is located.

(2) "County board" means the county court or the board of county commissioners of a county.

(3) "District board" means the governing body of a district.

(4) "District election" means any election authorized or required by law to be held by a district.

(5) "District election authority" means the county board, district board or other body or officer authorized or required by law to order or call a district election.

(6) "Election officer" means:

(a) The county clerk, in district elections for which the county board is the district election authority, or in district elections for the creation, formation or incorporation of a district and the first election of officers thereof; and in other district elections for which the district election authority designates the county clerk as the election officer.

(b) An officer or employe of a district designated by statute or by the district election authority as the election officer.

(7) "Principal Act" means the law under which the district is proposed to be formed or is operating.

[1971 c.647 §1]

259.020 "District" defined. As used in this chapter, unless the context requires otherwise, "district" means any one of the following:

(1) A domestic water supply district organized under ORS chapter 264.

(2) A cemetery maintenance district organized under ORS chapter 265.

(3) A park and recreation district organized under ORS chapter 266.

(4) A mass transit district organized under ORS chapter 267.

(5) A metropolitan service district organized under ORS chapter 268.

(6) A county road district organized under ORS 371.055 to 371.110.

(7) A special road district organized under ORS 371.305 to 371.380.

(8) A road assessment district organized under ORS 371.405 to 371.555.

(9) A hospital district organized under ORS 441.195 to 441.410.

(10) A sanitary district organized under ORS 450.005 to 450.245.

(11) A sanitary authority organized under ORS 450.675 to 450.980.

(12) A county service district organized under ORS chapter 451.

(13) A vector control district organized under ORS 452.020 to 452.170.

(14) A rural fire protection district organized under ORS chapter 478.

(15) A water improvement district organized under ORS chapter 552.

(16) A water control district organized under ORS chapter 553.

(17) A weather modification district organized under ORS 558.200 to 558.440.

(18) A livestock district organized under ORS 607.005 to 607.051.

(19) A port organized under ORS 777.005 to 777.750.

(20) The Port of Portland established by ORS 778.010.

(21) Territory, other than territory within a city, proposed to be created, formed or incorporated into a district or to be annexed or otherwise added to a district.

[1971 c.647 §2]

259.030 District elections to be conducted in accordance with chapter. Except as otherwise specifically provided by law, every district election shall be conducted in accordance with this chapter.

[1971 c.647 §3]

259.040 District election procedures to conform to general election laws; voters' pamphlet provisions not applicable. (1) Except as otherwise provided by this chapter, district elections shall be subject to the general election laws, including ORS chapter 260, and shall be conducted as nearly as practicable as are general elections held throughout the state.

(2) Notwithstanding subsection (1) of this section, ORS chapter 255 providing for voters' pamphlets does not apply to district elections.

[1971 c.647 §25]

259.050 Applicability of certain election laws. (1) ORS 251.510 to 251.635 and 251.990, relating to election recounts, apply to any matter submitted to the qualified voters of a district at a district election, except that the election officer shall perform the duties of the Secretary of State.

(2) ORS 253.010 to 253.150 and 253.990, relating to voting by absent voters, and ORS 253.510 to 253.670 and 253.990, relating to voting by service voters, apply to voting in district elections, except that the election officer shall perform the duties of the county clerk.

(3) ORS 251.015 to 251.090, relating to election contests, apply to any matter submitted to the qualified voters of a district at a district election.

[1971 c.647 §§18, 19, 20]

259.060 Voter eligibility. Every resident of a district who is a registered voter and has resided in a district at least 30 days immediately prior to the election is entitled to vote in a district election.

[1971 c.647 §4]

NOMINATIONS

259.070 Nomination of candidates for election to district boards. (1) A candidate for election as a member of a district board shall be nominated by filing with the election officer either:

(a) A petition for nomination signed by at least 25 registered voters, or 10 percent of the registered voters, residing in the election district for the office, whichever number is less; or

(b) A declaration of candidacy accompanied by a filing fee of \$10.

(2) A petition for nomination or a declaration of candidacy shall be filed with the election officer not later than:

(a) The 30th day before the date of a regular district election or of an election on formation at which members of the district board are elected; or

(b) The 63rd day before the date of a district election if the county clerk is the election officer and the election is held on the same date as a primary or general election held throughout the state.

(3) Subject to any other applicable law, the election officer shall prescribe the form and content of petitions for nominations and declarations of candidacy.

[1971 c.647 §6]

NOTICE

259.080 Notice of district elections; verification of election information. (1) Not less than 35 days before the date of a regular district election held for the purpose of elect-

ing members of the district board, the district election authority shall cause to be published, by one publication as provided by ORS 259.100, a notice stating the date of the regular election and the latest date on which candidates for election as board members may file petitions or declarations as provided by ORS 259.070.

(2) If the election is to be held on the same date as a state-wide primary or general election and the county clerk is the election officer for the district election, the election information shall be certified to the county clerk within the time and in the manner provided for the certification of information by cities under ORS 249.110, 250.030 and 254.100.

[1971 c.647 §5]

259.090 Publication of election notice; contents of bond election notices. (1) The election officer shall give notice of a district election by causing to be published a notice containing a brief description of each matter to be submitted to the qualified voters of the district at the election, the date of the election, the time the polls will be open and information indicating where qualified voters of the district may vote. The election authority shall, at its discretion, determine the nature and extent of the description of matters to be submitted to the voters. The names of persons seeking election as members of district boards are required to be included only in notices which are published, posted, broadcast or mailed after the deadline for filing petitions or declarations is passed.

(2) Publication of notice of election may be in the form of a facsimile, except as to size, of a sample ballot prepared for the election. The facsimile shall be published at the current published local display advertising rate.

(3) A notice of election called to approve the issuance of bonds shall include:

(a) The amount and the term of the bonds; and

(b) The kind of bonds proposed to be issued.

[1971 c.647 §7]

259.100 Newspaper publication of election notices. (1) Notice shall be published in a newspaper of general circulation in the district. However, if there is a newspaper of general circulation that is published in the district, the notice shall be published in such newspaper. If the district is located in more than one county, the notice shall be published

in such a newspaper published in the county in which the greater portion of the value of all taxable property in the district is located. Not less than 30 days before the date of the election, the district election authority shall designate such newspaper and shall notify the election officer of the designation.

(2) Notice shall be published prior to the date of the election at least two times. The first publication shall be not more than 25 days nor less than 15 days preceding the election and the last publication shall be not more than 14 days nor less than eight days preceding the election. At least 10 days prior to an election, the election officer shall post the notice in at least three conspicuous public places in the district and also at each polling place in the district.

(3) If the district election authority determines that publication of the notice in the newspaper designated under subsection (1) of this section does not give sufficient notice of the election, it may, not less than 30 days before the date of the election, designate one or more additional newspapers having general circulation within the district. The election officer may also cause notice of the election to be published by radio and television stations broadcasting in the district as provided by ORS 193.310 and 193.320.

[1971 c.647 §8]

259.110 Notice by mail in lieu of or in addition to newspaper publication. In lieu of or in addition to publication of notice as provided by ORS 259.090 and 259.100, if it is expedient to do so the district election authority may cause notice to be given by mail to all qualified voters of the district. Mailed notice shall be deposited, postage prepaid, in the United States mails and shall be considered to have been given when so deposited. Mailed notice of a district election shall be made not more than 15 days nor less than 10 days prior to the date of the election. Proof of deposit in the mails shall be by affidavit of the district election authority or officer who deposited the notice in the mails. The affidavit shall state the time and place the notice was so deposited.

[1971 c.647 §9]

CONDUCT OF ELECTIONS

259.120 Establishment of election precincts. The election officer shall establish one or more election precincts for a district election. Election precincts shall be either or both of the following:

(1) Election precincts or combinations of election precincts established by the county clerk under ORS 246.410.

(2) Election precincts other than as provided in subsection (1) of this section.
[1971 c.647 §10]

259.130 Designation of polling places. The election officer shall, in the manner provided by ORS 246.420, designate one polling place for each election precinct established for a district election.

[1971 c.647 §11]

259.140 Designation of election boards. (1) The election officer shall designate election boards for a district election. Election boards shall be either or both of the following:

(a) Election boards appointed by the county clerk under ORS 246.310.

(b) Election boards other than as provided in paragraph (a) of this subsection.

(2) Each election board clerk for a district election shall be compensated at the rate provided for election board clerks under ORS 246.330.

[1971 c.647 §12]

259.150 Duties of election officer, generally. In sufficient time before a district election, the election officer shall:

(1) Cause to be prepared a sufficient number of official and sample ballots for each election precinct for the district election.

(2) Cause to be placed on the ballot the matters to be submitted to the qualified voters of the district at the election, including the names of candidates for election as members of the district board who are nominated as provided by law.

(3) Determine the form of the ballot; however, the form shall be as nearly as practicable the same as the form of ballots used in general elections held throughout the state.

(4) With the advice and assistance of the district attorney for the county or an attorney employed by the district election authority, prepare a ballot title for each measure or question submitted to the qualified voters of the district at the district election.

(5) Cause to be prepared for each election precinct lists containing, in alphabetical order, the names and residence addresses of qualified voters residing in the election precinct, appropriate for use as a poll book, and such other materials as in the judgment of

the election officer may be necessary to enable the election board to determine which persons are entitled to vote in the district election in the election precinct.

(6) Secure and cause to be delivered or furnished to each election board the equipment, supplies, materials and other facilities necessary for the conduct of the district election.

[1971 c.647 §13]

259.160 Authority of election officer to obtain advice and assistance. In performing his functions under this chapter, the election officer may request the advice and assistance of the district election authority or the officers of the district. Upon receipt of such request, a district election authority or the officer of a district shall furnish such advice and assistance to the maximum extent practicable.

[1971 c.647 §21]

259.170 Designation of county clerk as election officer; districts located in more than one county. (1) Notwithstanding any law that requires or permits a district officer or employe to serve as election officer for any district election, the district election authority may, with the approval of the county clerk, designate the county clerk as the election officer for a district election.

(2) If a district is located in more than one county, the county clerk designated under subsection (1) of this section shall be the clerk of the county in which the greater portion of the value of all taxable property in the district is located. The county clerk of any other county in which the district is located shall cooperate with and assist such an election officer in the conduct of the district election. This subsection also applies if the county clerk is, by the principal Act of the district, designated the election officer for a district election.

[1971 c.647 §22]

259.180 Preparation of ballot titles. The ballot title prepared by the district election officer shall consist of a caption not exceeding six words in length by which the measure or question is commonly referred to or spoken of, followed by a concise, impartial statement not exceeding 75 words in length of the chief purpose of the measure or question. The ballot title shall appear on the official and sample ballots for the district election, together with voting squares within which a qualified voter

may indicate his answer "yes" or "no" to the measure or question.

[1971 c.647 §14]

259.190 Hours of polling places. In a district election the polls shall be open for voting during the hours fixed as provided under ORS 250.345.

[1971 c.647 §15]

259.200 Processing of ballots; certification of results. (1) In a district election, the ballots shall be cast and the votes counted, tallied and returned by the election boards to the election officer in as nearly as is practicable the same manner as in general elections held throughout the state. Within 10 days after receiving the returns from the election boards the election officer, using the returns, shall prepare abstracts of the votes and shall cause copies of the abstracts to be delivered to the appropriate district election authority or authorities. Within five days after receiving the copies of the abstracts the district election authority shall determine therefrom the result of the election and declare the result.

(2) The district election authority shall also canvass the votes for members of the district board and cause the election officer to issue certificates of election.

[1971 c.647 §16]

259.210 Procedure for resolving tie votes. When a tie exists between two or more candidates by reason of their having equal and the highest number of votes for the same district office, the district election officer shall give notice to such candidates to attend at his office either in person or by attorney at a time fixed by the election officer. At the meeting the candidates shall proceed publicly to decide by lot which of them shall be declared elected. The election officer shall make and deliver to the candidate thus declared elected a certificate of his election as provided by ORS 259.200.

[1971 c.647 §17]

259.220 Utilization of notices and facilities when two or more elections held on same day; expenses of such elections. (1) When the county clerk is the election officer for a district election, if two or more elections are held on the same day in the same election precinct or precincts, the clerk shall make provisions as in his judgment are practical and necessary to utilize the same election notices, election boards, polling places, official and sample bal-

lots, poll books, equipment, supplies and materials necessary for the conduct of the elections. This section applies when two or more district elections are held on the same day and in the same election precinct or precincts or when one or more such elections are held on the same day as a primary, general or special election held throughout the state.

(2) Subject to ORS 259.230, if two or more district elections are held on the same day and the election precinct or precincts for the districts are the same, or if one or more district elections are held on the same day as a primary, general or special election held throughout the state, and the conduct of the elections is combined as provided by subsection (1) of this section:

(a) The expenses of the election incurred for the benefit of one district only shall be paid by the district for whose benefit the expense was incurred; and

(b) The expenses of the district elections incurred for the benefit of two or more districts shall be equitably apportioned by the county clerk among the districts for whose benefit the expense was incurred.

[1971 c.647 §23]

259.230 Districts liable for election expenses. Except as otherwise provided by ORS 198.775, a district shall be liable for the expenses incurred for a district election.

[1971 c.647 §148]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, 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, 1971.

Robert W. Lundy
Legislative Counsel