Chapter 254

1977 REPLACEMENT PART

Initiative, Referendum and Recall

INITIATIVE AND REFERENDUM

(Filing of Petitions)

254.015 Petition signatories to print names on petition
254.030 Filing copy of petition with Secretary of State before circulating; sheets for signatures; filing petition; designation of chief petitioners; preservation
254.042 Verification of signatures; filing of petitions

(Ballot Titles)

254.055 Attorney General to prepare ballot title for certain referred measures
254.060 Attorney General to prepare ballot title for certain initiative measures
254.070 Form and use of ballot title
254.073 Legislature may prepare ballot titles for certain measures
254.077 Procedure for person dissatisfied with title
254.090 Ballot titles to be certified by Secretary of State to county clerks for printing on ballots; printing of titles on ballots
254.100 Ballot titles to be certified by city officers to county clerks for printing on ballots; printing of titles on ballots

(Ballots and Voting)

254.104 Assignment of additional numbers to measures printed on ballot
254.105 Numbering of multicounty district measures
254.106 Numbering and form of local and city measures appearing on ballot
254.110 Voting and number of votes necessary to adopt measure; conflict between measures adopted
254.120 Canvassing returns; proclamation of results

(Procedure in Cities)

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
254.140 Signing, verifying and filing referendum petitions against ordinance, franchise or resolution
254.150 Procedure for initiative measures on a city ordinance, charter or amendment to charter
254.160 Qualifications for signers of petition
254.170 ORS 254.030, 254.042, 254.060 to 254.100, 254.110 to 254.170, 255.410, 255.430 and 255.440 do not apply to local option liquor laws

(Explanatory Statements)

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
254.190 Estimate, if measure involves administrative expenses exceeding $50,000, to be printed on ballot and in voters' pamphlet
254.210 Appointment of committee to draft explanatory statement of measure proposed by initiative or referendum
254.222 Preparation and filing of explanatory statement of measure proposed by initiative or referendum
254.225 Preparation and filing of explanatory statement by Legislative Counsel Committee; when considered explanatory statement of measure
254.230 Court review of ballot measure explanation

INITIATIVE AND REFERENDUM IN COUNTIES AND IN MUNICIPALITIES OTHER THAN CITIES

254.310 Procedure in counties in the use of the initiative and referendum
254.320 Referendum on laws affecting counties, districts, ports or municipalities other than cities
254.330 Notice to Secretary of State of petition filed and certification of election result
254.340 Procedure for municipalities and districts in use of the initiative and referendum

RECALL OF PUBLIC OFFICER

254.410 Procedure for filing recall petitions; contributions and expenditures; petition signature requirements
254.420 Time for completing filing; verification of signatures; certain matter to be printed on petitions
254.440 Appointment and duties of treasurer
254.450 "Preceding election" explained; percentage of electors required
254.460 Violation of ORS 254.410 to 254.450 invalidates petition

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

254.510 Misrepresentation of contents or purport of petition
254.520 False statements for purpose of obtaining signatures

254.530 Filing of petition bearing false or fraudulent signatures
254.540 Circulation of petition containing forged or fictitious names
254.550 Making of false affidavits concerning petition
254.560 Making of false return or certification
254.570 Duplication of signatures; signing by unqualified person
254.580 Use of threats and intimidation for purpose of extorting money
254.590 Acceptance or giving of compensation for obtaining signatures
254.600 Sponsor of petition to file statement of contributions and expenditures; effect of failure to file

PENALTIES

254.990 Penalties

CROSS REFERENCES

Administration of election laws, Ch 246
Election contests, 251 015 to 251 090
Election offenses, Ch 260
Geothermal heating district powers, 523 650
Initiative and referendum procedures regarding county legislation, 203 050
Initiative and referendum procedures with reference to ordinances of Port Commission, 778 270
Method of adoption of amendments to the Constitution not to impair right to amend upon an initiative petition, Const Art. XVII, §1
Petitions and other election documents, time allowed for receipt, 246 021
Preparation of initiative measures by Legislative Counsel, 173 140
Prohibition against passing laws, the taking effect of which depend upon any authority, exceptions, Const Art I, §21
Recounts, 251 510 to 251 650
Referendum of part of an Act, Const. Art IV, §1a
Reservation and exercise of powers of initiative and referendum to
Counties, Const Art. VI, §10
Municipalities and districts, Const Art IV, §1a
State, Const Art IV, §1
Text of initiative and referendum measures to appear in voters' pamphlet, 255 410
Vote recording systems, Ch. 258

254.070
Official ballot, form, 250 110

254.120
Canvassing vote on constitutional amendments, Const Art XVII, §1

254.130
Filing copy of charter and charter amendments adopted through initiative with Supreme Court Librarian, 221 710
Procedures with respect to county charter and home rule legislation, 203 780
Procedures with respect to initiative proposal on county civil service, 241 008

254.140
Effective date of city ordinance, 221 310

254.170
Method for determining whether sale of intoxicating liquors shall be prohibited in any county, city, precinct, ward or district, 471 505, 472 410

254.180
Estimates of state revenues and expenditures by Legislative Fiscal Officer, 173 420
Statement concerning financial condition of General Fund to be filed before submission of certain measures, 293 655

254.210, 254.222
Voters' pamphlet to include statements, 255 410

254.310
County initiative and referendum procedure, 203 050

254.320
Referendum in the Port of Portland, 778 255

254.340
Numbering and form of measures on ballot, 254 106

254.410
Procedure for recall of members of certain special district boards, 198 430

INITIATIVE AND REFERENDUM

254.010 [Repealed by 1957 c 608 §231]

(Filing of Petitions)

254.015 Petition signatories to print names on petition. Any person signing any initiative or referendum petition as described in this chapter may be required to also print his name on the face of the petition.
[1973 c 283 §4, 1977 c 487 §1]

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; designation of chief petitioners; 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. Every petition shall designate not to exceed three persons as chief petitioners, setting forth their names and mailing addresses

(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, 1969 c 42 §1]

254.040 [Amended by 1957 c 608 §168, 1959 c 177 §2, 1967 c 141 §1, 1969 c 42 §2, repealed by 1973 c 392 §1 (254 042 enacted in lieu of 254 040)]

254.042 Verification of signatures; filing of petitions. (1) Every sheet of each initiative or referendum petition containing signatures shall be verified on the face thereof by the signed statement 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 an elector

(2) The Secretary of State shall use a statistical sampling technique or techniques for the verification of signatures for initiative or referendum petitions provided for by the Constitution and laws of this state

(3) Any petition relating to any state legislative Act, state law, or amendment to the Oregon Constitution or any other petition containing more than 50,000 signatures filed as provided by law with a filing officer other than the Secretary of State shall be submitted by such filing officer to the Secretary of State not later than 24 hours after the deadline for filing the petition, for the purpose of verification of signatures. Notwithstanding any provision of law providing for the filing of such a petition with a filing officer other than the Secretary of State, such petition may be filed directly with the Secretary of State for the purpose of verification of signatures Any other petition shall be filed with the filing officer, who shall cause the signatures to be verified.

(4) Subsection (3) of this section does not apply to a city that provides by ordinance or charter for a manner of exercising the initiative and referendum powers as to its municipal legislation, as permitted by subsection (5) of section 1, Article IV, Oregon Constitution and ORS 254 130, unless such city elects to follow the procedure of subsection (3) of this section.

(5) An initiative or referendum petition shall not be accepted for filing unless the petition contains not less than 100 percent of the required number of signatures of legal voters.

(6) The Secretary of State may employ professional assistance in determining the sampling techniques and he shall promulgate administrative rules detailing the techniques to be used.
[1973 c 392 §2 (enacted in lieu of 254 040), 1975 c 627 §1, 1977 c 487 §2]

254.045 [1967 c 141 §§3, 4, repealed by 1973 c 392 §4]

254.050 [Repealed by 1957 c.608 §231]

(Ballot Titles)

254.055 Attorney General to prepare ballot title for certain referred measures. (1) Upon receipt of 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, by referendum, the Secretary of State shall authorize the circulation of the text of the petition and the title thereof as enacted by the legislative body which enacted the Act, law, amendment, ordinance or amendment to a charter or, if there be no title, as supplied by the person or organization presenting the petition, provided that they comply with the requirements of ORS 254.030. The Secretary of State shall immediately transmit two copies of the petition to the Attorney General

(2) Within five 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 made a public record and furnished to the persons or organizations under whose authority the measure is referred
[1973 c 481 §2]

254.060 Attorney General to prepare ballot title for certain initiative 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 by the initiative is filed with the Secretary of State, as provided by ORS 254.030, the Secretary of State shall immediately transmit two copies thereof to the Attorney General.

(2) Within five 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 petition, as provided by ORS 254.030, to the persons or organizations under whose authority the measure is initiated
[Amended by 1953 c.359 §4, 1957 c 608 §169, 1967 c 364 §1, 1967 s s c 3 §1, 1973 c 481 §1]

254.070 Form and use of ballot title. (1) The ballot title mentioned in ORS 254 060 shall be used and printed on the covers of the initiative petition when in circulation The ballot title described in ORS 254.055 shall be used and printed on the covers of the referendum petition when in circulation. The ballot title supplied by the Attorney General shall be the title printed on the ballot and in the voters' pamphlet.

(2) For either a referred or initiated measure, the ballot title shall consist of a caption not exceeding 10 words in length by which the measure is commonly referred to or spoken of, followed by an abbreviated statement not exceeding 75 words in length of the chief purpose of the measure

(3) The caption or title only shall be printed in the foot margin of each signature sheet of the petition.

(4) The ballot title prepared by the Attorney General shall be printed with the number of the measure on the official ballot. The ballot title prepared by the Attorney General shall be a concise and impartial statement of the purpose of the measure
[Amended by 1953 c 359 §4, 1957 c 608 §170, 1967 c 634 §7, 1973 c 481 §3, 1977 c 468 §1]

254.073 Legislature may prepare ballot titles for certain measures. (1) When the Legislative Assembly orders a proposed constitutional amendment or other measure submitted to the people, a ballot title for the measure may be prepared by the assembly or by a committee consisting of members of each house created and governed by joint resolution The ballot title shall be prepared in the form specified in subsections (2) and (4) of ORS 254.070, and then filed with the Secretary of State. The committee that drafted the ballot title shall send a copy of the ballot title to each member of the Legislative Assembly, and file with the Secretary of State a copy of the certificate of mailing to each member.

(2) If the title is not prepared under subsection (1) of this section, when the measure is filed with the Secretary of State, two copies shall be transmitted to the Attorney General.

Within five days after receiving the copies the Attorney General shall provide a ballot title for the measure in the form specified in subsections (2) and (4) of ORS 254.070. The Attorney General shall send a copy of the ballot title to each member of the Legislative Assembly, and file with the Secretary of State a copy of the title and a certificate of mailing to each member.
[1967 c 364 §3, 1967 s s c 3 §2, 1977 c 468 §2]

254.075 [1967 c.364 §4, repealed by 1967 s s c 3 §4]

254.077 Procedure for person dissatisfied with title. (1) Any person dissatisfied with a ballot title filed by the Attorney General with the Secretary of State under ORS 254.055, 254 060 or 254.073, or by the Legislative Assembly under ORS 254.073, may petition the Supreme Court praying for a different title and setting forth the reasons why the title filed with the court is insufficient or unfair The petition must be filed within 20 days after the title is filed with the Secretary of State, or if the title is provided by the Attorney General or a committee of the Legislative Assembly under ORS 254.073, within 20 days after the Attorney General or the committee files the certificate of mailing with the Secretary of State. The court shall review the title and measure, hear arguments, if any, and certify to the Secretary of State a title for the measure which meets the requirements of ORS 254 070, if the title was prepared by the Attorney General, or the requirements set forth in ORS 254.073, if the title was prepared under ORS 254 073

(2) The review by the Supreme Court shall be determined expeditiously as may be appropriate for the orderly and timely circulation of initiative petitions or for the orderly and timely conduct of the election at which the measure is to be submitted to the voters.

(3) A ballot title certified to the Secretary of State as provided by this section shall be the title furnished with any initiative petition form under ORS 254.060 and shall be the title printed on the ballot and in the voters' pamphlet for all initiated and referred measures.
[1967 c.364 §6, 1967 s s c 3 §3, 1973 c 481 §4, 1977 c 468 §3]

254.080 [Amended by 1953 c.359 §4, 1957 c.608 §171, repealed by 1967 c 364 §8]

254.083 [1967 c 364 §6, repealed by 1967 s s c 3 §4]

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]

(Ballots and Voting)

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]

254.105 Numbering of multicounty district measures. (1) The Secretary of State shall designate a ballot number for any measure or question to be submitted to the voters of a district at an election to be held at the same time as a primary or general election if

(a) The district is located in more than one county; and

(b) An officer of the district makes a written request therefor to the Secretary of State not later than 65 days before the date of the election.

(2) At the time referred to in ORS 254 090 the Secretary of State shall certify the ballot numbers to the county clerks of each county in which the district is located The county clerks shall print the numbers on the official ballot as certified by the Secretary of State

(3) As used in subsections (1) and (2) of this section, "district" means a school, area education or other district
[1969 c 299 §§1, 2]

Note: 254 105 was enacted into law by the Legislative Assembly but was not added to or made a part of 254 090 to 254 170 by legislative action See the Preface to Oregon Revised Statutes for further explanation.

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]

(Procedures in Cities)

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, 254.042, 254.060 to 254.100, 254 110 to 254 170, 255.410, 255.415 to 255.425, 255 430 and 255.440, 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, 254.042, 254 060, 254.070, 254 090 to 254.170 and 255.410, 255.430 and 255 440 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, 254.042, 254.060 to 254.100, 254 110 to 254.170, 255.410, 255 415 to 255 425, 255.430 and 255.440 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 15 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 or opposing municipal measures shall be filed with the city clerk, auditor or recorder, in conformance with the requirements of ORS 255 415.

(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, 1975 c 766 §5a]

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 254.042. 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, 1973 c 392 §3]

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, 254 042, 254.060 to 254.100, 254.110 to 254 170, 255.410, 255.430 or 255.440
[Amended by 1957 c.608 §177]

254.170 ORS 254.030, 254.042, 254.060 to 254.100, 254.110 to 254.170, 255.410, 255.430 and 255.440 do not apply to local option liquor laws. ORS 254.030, 254 042, 254 060 to 254.100, 254 110 to 254 170, 255.410, 255 430 and 255.440 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]

(Explanatory Statements)

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 Executive Department and the Department of Revenue, 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 90th 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, 255.430 and 255.440. 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. (1) At least 130 days prior to any special election held on the date of a primary election or any general 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 five citizens shall be selected, for each measure, to prepare the statement referred to in ORS 254.222 for that particular measure. The proponents of the measure shall appoint two members to the committee on the measure and notify the Secretary of State of the selections. The Secretary of State shall appoint two members of each committee from among the opponents, if any, of the measure. Those four shall select the fifth member and notify the Secretary of State of the selection. If the four members have not selected the fifth member at least 120 days before the election, the fifth member shall be appointed by the Secretary of State. A vacancy shall be filled by the person who made the original appointment

(2) As used in this section, "proponents" means:

(a) With respect to any initiative or referendum measure, the chief petitioners referred to in ORS 254.030; or

(b) With respect to a measure referred by the Legislative Assembly, a Senator appointed by the President of the Senate and a Representative appointed by the Speaker of the House.

[Amended by 1957 c 608 §180, 1965 c 290 §1, 1973 c 712 §1, 1975 c 766 §19]

254.220 [Amended by 1957 c.608 §181, 1965 c.290 §2, repealed by 1973 c.712 §2 (254 222 enacted in lieu of 254 220)]

254.222 Preparation and filing of explanatory statement of measure proposed by initiative or referendum. (1) At least 110 days prior to any special election held on the date of a primary election or any general 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.

(2) Not earlier than 105 and not later than 100 days before the election, the Secretary of State shall hold a hearing in Salem upon reasonable state-wide notice for the purpose of receiving suggested changes in any statement. Any interested person may file with the Secretary of State at or before the hearing, or may orally submit at the hearing, the suggested changes.

(3) The committee for each measure for which suggestions are submitted as permitted by subsection (2) of this section shall make such changes in the statement as it considers proper It shall file any revised statement with the Secretary of State not later than 95 days before the election. The original statement and any revised statement shall be concurred in and certified by the committee or at least three of its members If a member does not concur, the statement shall show only that he dissents

(4) The explanatory statement required for the voters' pamphlet for a special election held at a time other than the date of a primary election shall be prepared in the form and manner provided in subsection (1) of this section by a committee of citizens appointed as provided in ORS 254.210 except.

(a) The committee shall be appointed not later than 80 days before the special election. If the fifth member of the committee has not been selected at least 78 days before the special election, the fifth member shall be appointed immediately by the Secretary of State.

(b) The explanatory statement shall be submitted not later than 70 days before the special election. Suggested changes in the statement shall not be accepted.

[1973 c 712 §3 (enacted in lieu of 254 220), 1975 c 766 §20]

254.225 Preparation and filing of explanatory statement by Legislative Counsel Committee; when considered explanatory statement of measure. (1) The

Legislative Counsel Committee shall cause to be prepared, and shall file with the Secretary of State, an explanatory statement in the manner and form provided in ORS 254.222 for each measure to be submitted to the people of the state by initiative or referendum.

(2) If an explanatory statement is not filed by the committee in the manner provided by ORS 254 222, the statement referred to in subsection (1) of this section shall be considered the explanatory statement of the measure.
[1975 c.766 §28]

254.230 Court review of ballot measure explanation. (1) Any person dissatisfied with a revised statement, or a statement for which suggestions were offered at or before the hearing provided by ORS 254.222, may petition the Supreme Court praying for a different statement and setting forth reasons why the statement filed with the court is insufficient or unclear. If the petition is filed within five days after the deadline for filing a revised statement with the Secretary of State, the court shall review the statement, hear arguments, if any, and certify to the Secretary of State a statement which meets the requirements of this section.

(2) The review by the Supreme Court shall be determined expeditiously as may be appropriate for the orderly and timely circulation of initiative and referendum petitions or for the orderly and timely conduct of the election at which the measure is to be submitted to the voters. The statement so certified shall be the statement which appears in the voters' pamphlet
[1973 c 712 §4]

254.290 [Repealed by 1957 c 608 §231]

INITIATIVE AND REFERENDUM IN COUNTIES AND IN MUNICIPALITIES OTHER THAN CITIES

254.310 Procedure in counties in the use of the initiative and referendum. (1) The people of every county are authorized to enact, amend or repeal all local laws for their county by the initiative and referendum process. With the exceptions stated in subsection (2) of this section, the procedure to be followed is provided by ORS 254.030, 254 042, 254 055, 254.060, 254.070, 254.090 to 254 170, 254.320, 254 330, 255 410, 255 430 and 255.435, making effective the initiative and referendum powers reserved to the people by sections 1 and 1a, Article IV, Oregon Constitution.

(2) The cost of paper, printing, binding and distributing of measures and arguments in the county 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, 1977 c.516 §1]

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 Governor
[Amended by 1957 c.608 §183, 1975 c.675 §31b]

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, 254.042, 254.060 to 254 100, 254.110 to 254.170, 254.320, 254 330, 255.410, 255.430 and 255 440, 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]

RECALL OF PUBLIC OFFICER

254.410 Procedure for filing recall petitions; contributions and expenditures; petition signature requirements. (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 electors are entitled to sign or file recall petitions.

(4) Any elector signing a recall petition also may be required to print his name on the face of the petition.
[Amended by 1957 c 608 §186, 1977 c 487 §3]

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 100th day after filing the original petition and itemized statement mentioned in ORS 254.410. Not later than the 90th day after filing the original petition and itemized statement the petitions shall be submitted to the filing officer who shall cause the signatures to be verified within 10 days of the date they are submitted for verification A recall petition shall not be accepted for signature verification unless the petition contains not less than 100 percent of the required number of signatures and shall not be accepted for filing until not less than 100 percent of the required number of signatures of electors have been verified.

(2) All provisions for verification of signatures on the initiative and referendum petitions contained in ORS 254.042 are applicable to the verification of signatures on recall petitions. When the recall petition relates to a State Senator, State Representative, circuit judge or district judge, the petition shall be submitted first to the county clerk for verification of signatures of residents of that county.

(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.
[Amended by 1975 c.627 §2, 1977 c.487 §4]

254.430 [Repealed by 1973 c 392 §4]

254.440 Appointment and duties of treasurer. The sponsors or opposers of the recall shall appoint a treasurer in accordance with ORS chapter 260 The address of the treasurer shall be designated on the petitions for the recall committee or recall organization The treasurer shall keep records and file statements required by ORS chapter 260.
[Amended by 1975 c 683 §4, 1977 c 487 §5]

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

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 petition to file statement of contributions and expenditures; effect of failure to file. (1) The sponsors of any completed and filed initiative or referendum petition, within 30 days after the final date for filing their completed petition, shall file a statement showing the contributions and expenditures for the petition. This statement shall conform to the requirements of ORS 260.162.

(2) If such verified statement is not filed as required by this section, the measure petitioned for shall not be placed on the official ballot.

[Amended by 1975 c 683 §5, 1977 c 178 §1]

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, Thomas G Clifford, 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,
October 1, 1977

Thomas G Clifford
Legislative Counsel