

## Chapter 259

### 1977 REPLACEMENT PART

## Special District Elections

#### GENERALLY

- 259.005 "School district" defined
- 259.010 Definitions
- 259.020 "District" defined
- 259.030 District elections to be conducted in accordance with chapter
- 259.035 Delegation to district election authority of responsibility to conduct district election
- 259.040 District election procedures to conform to general election laws; certain voters' pamphlet provisions not applicable
- 259.045 Printing of proposed district measure in voters' pamphlet; filing; fees; "district" defined
- 259.050 Applicability of certain election laws
- 259.060 Voter eligibility

#### NOMINATIONS

- 259.070 Nomination of candidates for election to district boards; withdrawal
- 259.075 Nomination to fill vacancy that occurs after time for regular nomination; Secretary of State to adopt rules

#### NOTICE

- 259.080 Notice of district election to elect members of district board
- 259.080 Notice and certificate of district election on issuance of bonds or on any measure

- 259.100 Publication of election notice and facsimile of sample ballot
- 259.110 Notice by mail in lieu of or in addition to newspaper publication

#### CONDUCT OF ELECTIONS

- 259.120 Establishment of election precincts
- 259.130 Designation of polling places
- 259.140 Designation of election boards
- 259.150 Duties of election officer, generally
- 259.160 Authority of election officer to obtain advice and assistance
- 259.180 Preparation of ballot titles
- 259.190 Hours of polling places
- 259.200 Processing of ballots; certification of results
- 259.210 Procedure for resolving tie votes
- 259.220 Utilization of notices and facilities when two or more elections held on same day; expenses of such elections
- 259.230 Expenses borne by district
- 259.235 Legislative intent to promote regularity of special district elections; rulemaking and enforcement by Secretary of State
- 259.240 Regular election dates; terms of board members; organizational meeting
- 259.260 Special election dates
- 259.265 Special election for school levy; petition for election; notice

#### CROSS REFERENCES

Airport district governing body election, 494 040  
 Bond elections, certain, validation, 1975 c 2 §§1, 2  
 Election offenses, generally, Ch. 260  
 Special districts, generally, Ch 198  
 Tax base elections, held only at regular state-wide general or primary election, 310 402  
 Voter roster, preparation by county clerk, 246 230

259.240  
 Geothermal heating district election dates, 523 620

259.080 to 259.110  
 Notice of vacancy and nominating procedure where vacancy occurs too late for regular notice requirements, 246 265



## GENERALLY

**259.005 "School district" defined.** As used in this chapter, unless the context requires otherwise, "school district" has the meaning given the term by ORS 330 005, and also includes:

(1) An intermediate education district created by subsection (1) of ORS 334.010.

(2) A community college district organized under ORS chapter 341.  
[1973 c.796 §2]

**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" has the meaning given the term "filing officer" in subsection (5) of ORS 260.005.

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

(8) "Principal county" means the principal county of a district as defined by the principal Act of the district  
[1971 c.647 §1, 1973 c.796 §3, 1977 c.301 §6]

**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 267.010 to 267 390.

(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 health district organized under ORS 440 305 to 440.410.

(10) A sanitary district organized under ORS 450 005 to 450.245

(11) A sanitary authority or water supply 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 777.725.

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

(21) A school district, as defined by ORS 259.005.

(22) A translator district organized under the provisions of ORS 354.605 to 354.990 and this section

(23) 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.

(24) A geothermal heating district organized under ORS chapter 523  
[1971 c.647 §2, 1973 c.796 §4, 1975 c.286 §13, 1975 c 598 §1, 1975 c 782 §§50, 50a]

**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]

**259.035 Delegation to district election authority of responsibility to conduct district election.** The election officer may delegate to the district election authority at

the request of the district election authority any responsibility and authority to conduct the district election, in whole or in part, except the designation of polling places, if the election officer determines that

(1) The election will be conducted in accordance with this chapter;

(2) The polling places designated by the election officer for the election within the district will be the only polling places used by the district for that election, and

(3) No inconvenience for electors of the district will result.

[1975 c.647 §13]

**259.040 District election procedures to conform to general election laws; certain 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 and except as provided in ORS 259 045, ORS chapter 255 providing for voters' pamphlets does not apply to district elections

[1971 c 647 §25, 1977 c.516 §7]

**259.045 Printing of proposed district measure in voters' pamphlet; filing; fees; "district" defined.** (1) The Secretary of State shall have printed in the primary or general election voters' pamphlet any proposed district measure or question, and any information appearing on the ballot with respect thereto pursuant to ORS 259 180 or 310.330 to 310 395, if the district election authority, not later than the 70th day before the primary or general election, files the proposed measure or question and other information appearing on the ballot with the secretary. The district shall pay to the Secretary of State the cost of including the proposed measure or question and other information in the pamphlet as determined by the secretary.

(2) For the purpose of this section, "district" means:

(a) A mass transit district organized under ORS 267.010 to 267.390;

(b) A metropolitan service district organized under ORS chapter 268;

(c) A port organized under ORS 777 005 to 777 725, and

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

[1977 c 516 §6]

**259.050 Applicability of certain election laws.** (1) ORS 251.510 to 251.650 and 251.990, relating to election recounts, apply to any matter submitted to the qualified voters of a district at a district election.

(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.

(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, 1975 c.647 §2]

**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; withdrawal.** (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 35th 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 70th 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) A nominee for election to the district board may withdraw his nomination not later than 5 p m. of the last day specified for filing a petition or declaration under this section by filing with the election officer a written

withdrawal of candidacy The withdrawal shall be signed by the nominee and state the reasons for withdrawal.

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

[1971 c.647 §6, 1974 s.s c.45 §6, 1977 c.829 §19]

**259.075 Nomination to fill vacancy that occurs after time for regular nomination; Secretary of State to adopt rules.** If a vacancy occurs in the office of district board member within such time that a candidate for the vacancy could not be nominated under the procedures of this chapter before the regular district election, the Secretary of State by rule shall provide a nominating schedule when practicable so that candidates' names may be printed on the regular election ballot. With regard to this vacancy, requirements of publication of notice and sample ballots may be waived. The rule shall require notice of the vacancy and nominating procedure to the district voters by the most reasonable and expeditious means under the circumstances, including but not limited to single publication in a newspaper of general circulation in the district.

[1977 c.829 §2]

## NOTICE

**259.080 Notice of district election to elect members of district board.** When a district election is to be held for the purpose of electing members of the district board, the district election authority shall deliver to the election officer a notice stating the date of the election, the board positions to be voted upon and the latest date on which candidates for election as board members may file petitions or declarations as provided by ORS 259.070. The notice shall be delivered not more than 40 days nor less than 20 days before the last day for filing a petition for nomination or declaration of candidacy for election as a member of a district board. The election officer shall cause such notice to be published in the next available issue of the newspaper designated under ORS 259.100.

[1971 c.647 §5, 1975 c.647 §3, 1977 c.301 §6a]

**259.090 Notice and certificate of district election on issuance of bonds or on any measure.** (1) Except as otherwise provided in ORS 310.350, not later than the 40th day before a district election to be held on the same day as a state-wide primary or general

election, or the 35th day before a district election to be held on any other day, at which the voters will approve or disapprove the issuance of bonds or a district election at which the voters will vote on any measure, the district election authority shall deliver to the election officer a notice and certificate stating the date of the election, a ballot title and statement of purpose, and a brief description of each matter to be submitted to the voters. The election authority, at its discretion, shall determine the nature and extent of the description of matters to be submitted to the voters

(2) A notice and certificate of election called to approve the issuance of bonds shall include

(a) The purpose for which the bonds are to be used;

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

(c) The kind of bonds proposed to be issued; and

(d) If the bond election is authorized by ORS 450.900, the additional notice requirements in ORS 450.905.

(3) The election officer, after the 35th day before the election, shall cause the notice to be published in the next available issue of the newspaper designated under ORS 259.100.

[1971 c.647 §7, 1975 c.647 §4, 1977 c.301 §7]

**259.100 Publication of election notice and facsimile of sample ballot.** (1) Notice shall be published once 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. The district election authority shall designate such newspaper and shall notify the election officer of the designation in the notice provided for in ORS 259.080 and 259.090.

(2) The election officer also may 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

(3) The information required in the notices provided for in ORS 259.080 and 259.090 may be delivered to the election officer in one notice and may be published in one notice.

(4) Not later than the day of the election nor sooner than the 15th day before the election, the election officer shall cause to be published a facsimile, except as to size, of the sample ballot, a list of the polling places and the hours the polls are to be open. The information shall be published once in a newspaper

designated by the election authority under subsection (1) of this section at the current published local display advertising rate.

(5) The requirements of subsection (4) of this section shall be considered satisfied by publication of the facsimile of the sample ballot as part of the sample ballot published pursuant to ORS 249.356 or 250.121.

[1971 c 647 §8, 1975 c 647 §5, 1977 c 301 §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 259.080, 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, 1977 c 301 §9]

## CONDUCT OF ELECTIONS

**259.120 Establishment of election precincts.** (1) The election officer shall establish one or more election precincts for a district election

(2) Election precincts for regular district elections, and for any special district election held on the same date as any other election shall be the election precincts or combinations of precincts established by the county clerk under ORS 246.410. With respect to regular district elections, precincts may be combined not later than 30 days before the election

(3) Election precincts for other special elections shall be either or both of the following:

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

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

[1971 c 647 §10, 1973 c 796 §8, 1977 c 301 §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) 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.

(5) 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, 1975 c 647 §6]

**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 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** [1971 c 647 §22, 1973 c 796 §9, repealed by 1977 c 301 §15]

**259.180 Preparation of ballot titles.**

The district election authority, with the advice and assistance of the district attorney or county counsel for the county of the election officer or an attorney employed by the district election authority, shall prepare a ballot title for each measure or question submitted to the qualified voters of the district at the district election. Except as provided by ORS 310.385 and 310.395, the ballot title 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, 1975 c 647 §7]

**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 (1975 Replacement Part).

[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 and tallied in as nearly as is practicable the same manner as in general elections held throughout the state. Within 20 days after the date of an election held on the same day as a statewide primary or general election, or within 10 days after an election held on any other day, the election officer 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, 1975 c 647 §8, 1977 c 301 §11]

**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 ballots, 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 Expenses borne by district.** Except as otherwise provided by ORS 198.775, 261.210 and 607.025, the expenses incurred

for a district election shall be borne by that district

[1971 c 647 §148, 1975 c 647 §9]

**259.235 Legislative intent to promote regularity of special district elections; rulemaking and enforcement by Secretary of State.** (1) It is the intention of the Legislative Assembly that all special districts defined in ORS 259.020, other than school districts, shall have biennial regular district elections in odd-numbered years, and that regular terms of district board members shall be four years

(2) The Secretary of State, by rule, shall require the special districts that are not in compliance with the legislative intention expressed in this section or with ORS 259 240 to so comply

[1977 c 103 §4]

Note: 259 235 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 259 or any series therein by legislative action See the Preface to Oregon Revised Statutes for further explanation

**259.240 Regular election dates; terms of board members; organizational meeting.** (1) The regular district election shall be held by each district as defined in ORS 259.020, that is not a school district for the purpose of electing members of the district board to succeed a member whose term expires the following June 30 and to elect members to fill any vacancy which then may exist. The election shall be held in each such district in each odd-numbered year on the first Tuesday in April.

(2) Each school district not described in subsection (3), (4) or (5) of this section shall hold the election described in subsection (1) of this section annually on the first Tuesday in April or when its budget is initially submitted to the voters on a date described in paragraphs (a) to (e) of subsection (1) of ORS 259.260 in an odd-numbered year and as specified in paragraphs (a) to (c) and (e) of subsection (1) of ORS 259.260 in an even-numbered year However, no district is required to submit its budget at the time of the election of board members. A district shall not conduct more than one election of board members in any year

(3) Every community college district not described in subsection (4) of this section shall hold the election described in subsection (1) of this section annually on the first Tuesday in April

(4) Each school district having a population of 300,000 or more, according to the latest

federal decennial census, shall hold the election described in subsection (1) of this section in each odd-numbered year on the first Tuesday in April

(5) Each intermediate education district not described in subsection (4) of this section shall hold the election described in subsection (1) of this section annually on the first Tuesday in April

(6) The first regular district election in a district shall be held on the first regular district election date next following the year in which the first members of the district board were elected or appointed.

(7) The term of a board member elected at the regular election held in a district shall commence on the first day of July next following the election.

(8) Each district board shall hold a regular organizational meeting following the date for the regular election of board members and not later than the last day of July following such date

[1973 c 796 §5, 1974 ss c 45 §1, 1975 c 647 §10, 1977 c 103 §1, 1977 c 149 §1, 1977 c 301 §12, 1977 c 681 §1]

**259.250** [1973 c 796 §6, 1974 ss c.45 §2, repealed by 1977 c 829 §23]

**259.260 Special election dates.** (1) A special election called by a district election authority shall be held on

- (a) The second Tuesday in January;
- (b) The second Tuesday in March;
- (c) The first Tuesday in April;
- (d) The fourth Tuesday in May;
- (e) The last Tuesday in June;
- (f) The second Tuesday in August,
- (g) The thurd Tuesday in September; or
- (h) The first Tuesday after the first Monday in November.

(2) Except as provided in section 1, chapter \_\_\_\_\_, Oregon Laws 1977, a district shall not hold a special election on any day not mentioned in subsection (1) of this section

[1973 c 796 §7, 1974 ss c.45 §3, 1975 c 647 §11, 1977 c 254 §2, 1977 c 301 §13a]

Note: The Legislative Counsel has not, pursuant to 173 160, undertaken to substitute a specific ORS reference for the words "section 1, chapter \_\_\_\_\_, Oregon Laws 1977," in ORS 259 260 Section 13a, chapter 301, Oregon Laws 1977, amended ORS 259 260, as amended by section 2, chapter 254, Oregon Laws 1977, however, that intent was not reflected in the text

**259.265 Special election for school levy; petition for election; notice.** (1) A school district board may call a special election on a proposed levy to be held on a date

other than a date specified in ORS 259 260, if it receives a petition described in subsection (2) of this section, or if the requirements of subsection (3) of this section are satisfied.

(2) The petition shall request that an election on a proposed levy be held, and shall contain signatures of registered voters of the district in a number not less than 10 percent of the number voting at the last election held on the proposed levy. The signatures on the petition shall be verified by the election officer within five days after the petition is filed with him. The petition shall not be accepted for filing unless the petition contains not less than 100 percent of the number of signatures required by this subsection.

(3) Whenever a school district board finds that as a result of the defeat of a proposed levy submitted to the voters of the district a school closure will occur, the board may call the special election if:

(a) There is no date specified in ORS 259 260 that permits an election before the closure, and

(b) The Superintendent of Public Instruction concurs in writing with the finding of the board that a closure will otherwise occur.

(4) In the event of a special election called under this section, requirements relating to notice and sample ballots shall be waived. Notice of the election shall be given to district voters by the most reasonable and expeditious means under the circumstances, including but not limited to single publication of a sample ballot in a newspaper of general circulation in the district, radio announcements, posting at the schools of the district, and notifying households in the district by means of hand-outs to students or others.

(5) The proposed levy submitted to district voters at an election called under this section shall not be greater than the proposed levy defeated by the voters at the immediately preceding election

[1977 c 254 §2]

#### 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

