

Chapter 331

1977 REPLACEMENT PART

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GENERAL PROVISIONS

331.002 Application of election laws to school elections; duties of county clerk.

Unless the context clearly indicates otherwise, the provisions of the general election laws of this state, including ORS chapter 259, apply to all school district elections. The county clerk of the principal county of a school district shall be the election officer for school district elections.

[1965 c.100 §106; 1971 c.660 §2; 1973 c.796 §32]

331.005 [1957 c.310 §1; repealed by 1965 c.100 §456]

331.010 Notice of certain elections. (1)

Except as provided by ORS chapter 259, ORS 294.421 (Local Budget Law) and 331.140, and notwithstanding any other provision of law, notice of school district organization and merger, school district budgets and school district purchasing shall be given only as provided in this section.

(2) The clerk of any school district in which a newspaper is published shall, whenever notice is required, publish the notice in one or more of the newspapers published in the district and having a general circulation in the district. If no newspaper is published in the district, the notice shall be published in some newspaper designated by the district school board and having circulation in the school district. The notice shall be published in at least two issues of each designated newspaper.

(3) The clerk shall record in his minute book the time and place of posting or publishing each of the notices required by subsection (1) of this section and the content of such notices.

[Amended by 1957 c.310 §9; 1961 c.10 §1; 1965 c.100 §107; 1973 c.796 §33]

331.015 [1963 c.273 §2; repealed by 1965 c.100 §456]

331.020 [Amended by 1961 c.361 §1; 1965 c.100 §108; repealed by 1973 c.796 §79]

331.025 Challenging voters. A challenge to a person's right to vote in any school election shall be conducted in the same manner as provided in the general election laws of this state.

[1973 c.467 §2]

331.030 [Amended by 1963 c.273 §3; 1965 c.100 §109; 1971 c.660 §3; repealed by 1973 c.796 §79]

331.035 Contesting election. The manner for a contest of a school district election shall be the same as provided in ORS 251.015 to 251.090.

[1973 c.467 §4]

331.040 [Amended by 1963 c.273 §4; 1965 c.100 §110; 1967 c.609 §13; part renumbered 331.045; 1971 c.660 §4; repealed by 1973 c.467 §5 and 1973 c.796 §79]

331.045 [Formerly part of 331.040; repealed by 1973 c.467 §5 and 1973 c.796 §79]

331.050 [1961 c.72 §1; repealed by 1965 c.100 §456]

331.060 Limitations on elections where boundary change pending. During the period following an election or other action resulting in a boundary change in a school district and prior to the date the change becomes effective, the district or districts from which an area will be separated as a result of the boundary change may hold elections for all legal purposes but the voters in the area to be separated as a result of the boundary change shall not be qualified to vote in any such election. The election on any measure in such district or districts shall not affect or encumber the area to be separated.

[1965 c.100 §111]

ELECTIONS IN COMMON AND
UNION HIGH SCHOOL
DISTRICTS

331.080 [Formerly 331.320; 1967 c.605 §5; 1967 c.609 §6; 1971 c.660 §5; 1973 c.796 §34; 1975 c.647 §29; repealed by 1977 c.681 §2]

331.085 Employes ineligible to serve as member of district school board. No person who is an employe of a school district shall be eligible to serve as a member of the district school board for the district by which the employe is employed.

[1977 c.759 §1]

Note: Section 2, chapter 759, Oregon Laws 1977, provides:

Sec. 2. Section 1 of this Act shall not apply to school district employes elected or appointed to a district school board prior to the effective date of this Act [July 26, 1977].

331.090 Director nominations and ballots; local school committee. (1) The name of any qualified voter who resides in the district and, if the district is zoned, in a zone from which nominating petitions are accepted shall be placed on the ballot as a candidate for the office of school director of a common school district or union high school district upon filing with the filing officer. Unless an acceptance of nomination by the nominee is filed with the filing officer at least 35 days prior to the date of such election, such nomination is void.

(2) All candidates shall be elected at large in the district.

(3) The candidate for the office of director of a school district who receives the plurality of the votes shall be elected.

(4) Candidates for the local school committees provided for in ORS 330.665 and 333.280 shall be nominated in the same manner as school directors except that the certificate of nomination shall be signed by qualified voters of the subdistrict or attendance area and shall be sufficient if it bears 10 such signatures.

[Formerly 331.330; 1967 c.95 §1; 1969 c.133 §1; 1969 c.202 §4; 1973 c.796 §35; 1975 c.770 §11; 1977 c.829 §22]

331.095 Zoning of districts for nomination of board members. (1) In common school districts all directors shall be nominated from zones, if zoning is approved by the qualified voters voting at an annual school election.

(2) The election may be requested by petition or if a majority of the members of the district school board decide that zoning would better serve the interests of the qualified voters of the district.

(3) A petition for zoning must be signed by a number of qualified voters equal to 10 percent or at least 1,000 persons, whichever is the lesser, of the qualified voters voting for the office of school director at the last annual school election in the district.

(4) A district that has been zoned under this section may abolish zones in the same method as they were established.

(5) Nothing in this section applies to school districts with more than 300,000 population.

[1969 c.202 §1]

Note: 331.095 to 331.105 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 331 or any series therein by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

331.097 Establishing and revising zones. If the district is zoned, the district school board shall divide each common school district into the necessary number of zones as nearly equal in population, as shown by the latest federal census, as practicable, taking into account attendance areas where possible. The board shall readjust zone boundaries if necessary to comply with this section, upon any change in the boundaries of the district.

[1969 c.202 §2]

Note: See note under 331.095.

331.102 Assuring zone representation. (1) A school board director shall be eligible for reelection in an election subse-

quent to zoning under ORS 331.095 only if he resides in a zone which is not represented on the board.

(2) Any vacancy occurring on a school board before all zones are represented thereon shall be filled from among residents in an unrepresented zone, the zone to be determined by the board by lot.

[1969 c.202 §3]

Note: See note under 331.095.

331.105 Position numbers to be used for candidates in unzoned districts. (1) As used in this section, "school board member" means a school board member of a common or union high school district or an education service district.

(2) The positions of school board members, and their respective successors in office, shall be designated by numbers as Position No. 1, Position No. 2, and so on.

(3) In all proceedings for the nomination or election of candidates for or to the office of a school board member in school districts that are not zoned, every petition for nomination, declaration of candidacy, certificate of nomination, ballot or other document used in connection with the nomination or election shall state the position number of the position to which the candidate aspires, and his name shall appear on the ballot only for the designated position. Each voter has the right to vote for only one candidate for each position, and the candidate for each position receiving the highest number of votes for the position is considered nominated or elected, as the case may be.

[1969 c.359 §1; 1975 c.770 §12]

Note: See note under 331.095.

331.106 Nomination and election of directors in union high school districts. (1) In all union high school districts, all directors shall be nominated and elected pursuant to ORS 331.080 to 331.105.

(2) In any union high school district that is zoned:

(a) A school board director of a union high school district shall be eligible for reelection in an election after October 4, 1977, only if the director resides in a zone which is not represented on the board.

(b) Any vacancy occurring on a union high school district board before all zones are represented thereon shall be filled from among residents in an unrepresented zone, the

zone to be determined by lot if more than one zone is unrepresented.

[1977 c 474 §1]

Note: Section 2, chapter 474, Oregon Laws 1977, provides

Sec. 2. Nothing in section 1 of this Act is intended to affect the term of office of any school board director of a union high school district on the effective date of this Act [October 4, 1977] and all such members are entitled to serve until the expiration of their terms

ELECTIONS IN DISTRICTS WITH 300,000 OR MORE POPULATION

331.110 Manner of holding elections.

In school districts having a population of 300,000 or more according to the latest federal census, elections upon all matters which may be placed before the qualified voters of such districts shall be held as provided in ORS chapter 259 and ORS 331 120 to 331 170

[Amended by 1965 c 100 §117, 1967 c 605 §6, 1973 c 796 §36]

331.115 Definitions for ORS 331.120 to 331.170. As used in ORS 331 120 to 331 170, "principal county" means the county in which the chief administrative officer of the school district maintains his office

[1973 c 796 §31]

331.120 Election of directors. At each regular biennial election, school directors in districts of 300,000 or more according to the latest federal census shall be elected for a term of four years to succeed the directors whose terms of office expire on June 30 of that year. All such elections of school directors shall be held as provided by ORS chapter 259

[Amended by 1957 c 608 §230, 1965 c 100 §118, 1967 c 605 §7, 1971 c 749 §81, 1973 c 796 §37, 1977 c 149 §2]

331.130 Initiative, referendum, recall and submissions to voters. (1) The powers of initiative, referendum and recall reserved to the people of common school districts having a population of 300,000 or more according to the latest federal census by sections 1 and 1a, Article IV and section 18, Article II of the Oregon Constitution may be exercised at any primary election, any general election or any special election called as provided in ORS 331 140

(2) There may be submitted at any such election to the qualified voters of such districts the matter of recall of school directors, questions as to the issuance of bonds, the levy of taxes for the support of public schools which may not be levied without the affirma-

tive vote of the people, and any other questions concerning the public schools which may be submitted to the qualified voters of such districts under the powers of initiative and referendum

(3) The provisions of ORS 331.110 to 331.170 shall be liberally construed to the end that the power to submit matters described in subsection (2) of this section to the qualified voters of such districts at elections conducted in compliance with the provisions of ORS 331.110 to 331.170 shall be sustained

[Amended by 1965 c 100 §119, 1967 c 605 §8]

331.140 Special elections. The district school board of common school districts having a population of 300,000 or more according to the latest federal census may call a special election at any time upon questions as to the issuance of bonds, the levy of taxes which may not be levied without the affirmative vote of the people, the recall of directors, and any other school questions which may be submitted to the qualified voters of such districts. A special election may be called to be held in conjunction with any other special election held in the district in such year

[Amended by 1961 c 361 §2, 1965 c 100 §120, 1967 c 605 §9]

331.150 Questions submitted by resolution of school board; questions involving increase of tax levy. Any of the questions mentioned in ORS 331 130 and 331 140 to be submitted to the qualified voters of any common school district having a population of 300,000 or more according to the latest federal census shall be submitted by resolution of its district school board. The resolution shall specify the questions to be voted upon and the date for holding any special election. A certified copy of the resolution shall be transmitted to the registrar of elections for the principal county wherein such district is located not less than 35 days before the date of the election. The district school board may adopt any such resolution and shall adopt the resolution when petitioned by the requisite number of qualified voters of the district. If the question to be voted upon is to increase the amount of the tax levy in such district over the amount limited by the Oregon Constitution except on vote of the people, the resolution, in addition to the matters required by ORS 250 090, shall state the amount of the increase and contain a statement of the reasons therefor in not to exceed 100 words. The resolution shall substi-

tute for the certificate referred to in ORS 310.330 to 310.395.

[Amended by 1961 c 361 §3, 1965 c 100 §121, 1967 c 605 §10, 1973 c 796 §38]

331.160 Consolidation of precincts; polling places and election boards. The registrar of elections of the principal county in which a common school district having a population of 300,000 or more according to the latest federal census is located shall in consolidating election precincts provide for not less than 200 polling places and not less than 200 election boards

[Amended by 1961 c 10 §2, 1965 c 100 §122, 1967 c 605 §11, 1973 c 796 §39]

331.170 Nomination of directors. The name of any person qualified under ORS 332.015 and nominated shall not be placed on the ballot as a candidate for the office of school director in districts of 300,000 or more according to the latest federal census, unless the nominee files with the registrar of elections an acceptance of his nomination at least 63 days prior to the date of the election

[Amended by 1965 c 100 §123, 1967 c 605 §12, 1973 c 796 §40]

331.180 [Amended by 1965 c 100 §124, 1967 c 605 §13, repealed by 1973 c 796 §79]

331.310 [Repealed by 1965 c 100 §456]

331.320 [Amended by 1955 c 386 §3, 1957 c 622 §1, 1965 c 100 §12, renumbered 331 080]

331.330 [Amended by 1955 c 386 §4, 1957 c 622 §2, 1965 c 100 §113, renumbered 331 090]

331.340 [Repealed by 1955 c 386 §8]

331.350 [Amended by 1955 c 386 §5, repealed by 1965 c 100 §456]

331.360 [Repealed by 1955 c 386 §8]

RECALL ELECTIONS

331.410 Recall of school directors. Every district school board director, including members of education service district boards, is subject to recall by the qualified voters of the school district for which he is elected or appointed

[Amended by 1965 c 100 §114]

331.420 [Amended by 1955 c 234 §1, 1965 c 100 §115, repealed by 1965 c 172 §7]

331.425 [1965 c 172 §1, repealed by 1975 c 770 §14 (331 426 enacted in lieu of 331 425)]

331.426 Recall petitions. (1) A petition for recall of a school director shall be filed with the officer with whom a petition for nomination to such office should be filed.

(2) The petition shall be signed by not less than the lesser of

(a) Fifteen percent of the qualified voters of the district; or

(b) Twenty-five percent of the number of voters from the district who voted at the preceding election for justice of the Supreme Court for that position for which the greatest number of votes were cast at the preceding general election

(3) Every sheet of each petition containing signatures shall be verified on the face by the affidavit of the person who circulated the sheet, stating that every person who signed the sheet did so in his presence and that he believes that each signer stated his correct residence address and is a qualified voter.

(4) In those districts where qualified voters must be registered electors, the petition, before filing, shall be submitted to the county clerk who shall compare the signatures of the persons signing the petition with the signatures of registered electors on the register of electors and shall certify the number of signatures he believes to be genuine

(5) The district shall pay the expense of calling and conducting the election. The election shall be conducted in the district from which the district officer was elected, in accordance with the law governing election of district officers

[1975 c 770 §15 (enacted in lieu of 331 425), 1977 c 644 §6]

331.430 [Amended by 1965 c 100 §116, repealed by 1965 c 172 §7]

331.435 [1965 c 172 §2, repealed by 1975 c 770 §49]

331.440 [Amended by 1955 c 234 §2, 1957 c 310 §10, repealed by 1965 c 100 §456]

331.445 Limitations on recall. (1) No petition for the recall of a school director shall be accepted for filing unless the director against whom the petition is filed has served at least six months of the term of office for which he was elected

(2) After one recall election has been held, no further recall petitions shall be accepted for filing against the same director during the term of office for which he was elected unless the petitioners pay the school district the amount of its expenses for the preceding recall election

[1965 c 172 §3]

331.450 [Amended by 1955 c 234 §3, repealed by 1965 c 172 §7]

331.455 Filing of petition does not make director ineligible to serve. A school director is not ineligible to continue performance of his official duties by reason of his being the public officer against whom a recall petition has been filed.

[1965 c 172 §4]

331.465 Resignation of director before election; election procedure. (1) If the school director resigns his position within five days after the date on which the petition is filed, the resignation shall take effect on the day it is submitted. If the director does not resign, a special election shall be called to be held in the district within 25 days of the date on which the petition is filed to determine whether the school director shall be recalled.

(2) As nearly as is practicable and in a manner consistent with section 18, Article II of the Oregon Constitution, the election procedure and the method of determining the

result shall be the same as is provided by law for the election of school directors in the district

(3) The ballot used in the recall election shall contain a statement of not more than 200 words giving the reasons for demanding the recall and a statement of not more than 200 words giving the director's justification of the conduct of his office.

[1965 c 172 §5]

331.510 [Amended by 1957 c 622 §3, 1963 c 34 §1, repealed by 1965 c 100 §456]

331.520 [Repealed by 1965 c 100 §456]

331.530 [Repealed by 1965 c 100 §456]

331.540 [Repealed by 1965 c 100 §456]

331.550 [Repealed by 1965 c 100 §456]

331.990 [Repealed by 1965 c 100 §456]

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

