Chapter 255

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Special District Elections

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GENERAL PROVISIONS

255.005 Definitions. As used in this chapter:

(1) "County clerk" means the county clerk or the county official in charge of elections.

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

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

(4) "District election authority" means the county court or board of county commissioners, district board or other body or officer authorized or required to call a district election.

(5) "Election officer" means the:

(a) County clerk of the county in which the administrative office of the district is located regarding a measure, or a candidate for an office, to be voted on in a district located in more than one county.

(b) County clerk regarding a measure, or a candidate for an office, to be voted on in a district situated wholly within the county.

(6) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Constitution.

(7) "Measure" includes any of the following submitted to the people for their approval or rejection at an election:

(a) A proposed law.

(b) An Act or part of an Act of the Legislative Assembly.

(c) A revision of or amendment to the Oregon Constitution.

(d) Local, special or municipal legislation.

(e) A proposition or question.

(8) "Regular district election" means the election held each year for the purpose of electing members of any district board as defined in subsection (2) of this section.

(9) "School district" means a common school district, a union high school district, an education service district or a community college district. [Formerly 259.010; 1983 c.392 §6; 1985 c.808 §39, 1987 c.707 §20]

255.010 [Repealed by 1957 c 608 §231]

255.011 [1957 c.608 §190; 1965 c 39 §1, 1971 c.733 §1; repealed by 1973 c.155 §1 (255 001 enacted in lieu of 255.011)]

255.012 "District" defined. As used in this chapter, "district" means:

(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 transportation district organized under ORS 267.510 to 267.650.

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

(7) A translator district organized under ORS 354.605 to 354.715.

(8) A library district organized under ORS 357.216 to 357.286.

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

(10) A special road district organized under ORS 371.305 to 371.360.

(11) A road assessment district organized under ORS 371.405 to 371.535.

(12) A highway lighting district organized under ORS chapter 372.

(13) A health district organized under ORS 440.305 to 440.410.

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

(15) A sanitary authority or water supply authority organized under ORS 450.650 to 450.989.

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

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

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

(19) An airport district organized under ORS chapter 838.

(20) A geothermal heating district organized under ORS chapter 523.

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

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

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

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

(25) A port organized under ORS 777.005 to 777.725 and 777.915 to 777.953.

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

(27) A school district.

(28) 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.

(29) A soil and water conservation district organized under ORS 568.210 to 568.805. [Formerly 259.020; 1981 c.226 §16, 1983 c.238 §1; 1983 c.350 §70]

255.013 [1971 c.94 §2; 1973 c.264 §1; repealed by 1979 c.190 §431]

255.015 [1967 c.309 §2; 1969 c.401 §1; 1971 c.733 §4; 1973 c.794 §17; repealed by 1979 c.190 §431]

255.018 [1967 c.309 §3; 1979 c.190 §185; renumbered 251 155]

255.020 [Repealed by 1957 c 608 §231]

255.022 Procedures for district elections. (1) Except as otherwise specifically provided by the law under which the district is formed or is operating, a district election shall be conducted in accordance with this chapter.

(2) Except as otherwise provided by this chapter, district elections shall be subject to the election laws, excluding ORS chapter 251 providing for voters' pamphlets unless specifically applicable, and shall be conducted as nearly as practicable as are general elections. [Formerly 259.040]

255.025 [1955 c.154 §1; 1973 c.400 §1; 1975 c 766 §22; 1979 c 190 §174, renumbered 251.026]

255.027 [1971 c 733 §2; 1975 c.766 §6; 1979 c 190 §179; renumbered 251.085]

255.028 [1973 c.155 §4; 1975 c.766 §23; repealed by 1979 c.190 §431]

255.029 [1973 c 155 §5; 1975 c.766 §7; repealed by 1979 c.190 §431]

255.030 [Repealed by 1957 c.608 §231]

255.031 [1957 c.608 §192; 1959 c.457 §1, 1963 c.144 §1; 1969 c.82 §1; 1971 c 94 §6, 1973 c.658 §1; 1975 c.766 §8, 1975 c.779 §29; 1979 c 190 §177; 1979 c.533 §1; renumbered 251.065]

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

255.040 [Amended by 1957 c.608 §193; 1959 c.457 §2; 1979 c.190 §176; renumbered 251.055]

255.045 Notice of change of district boundary. If the boundary of a district is changed, the district board immediately shall send a certified copy of the order, resolution or other action changing the boundary to the election officer. [1979 c 190 §285]

255.050 [Amended by 1955 c.96 §1; repealed by 1957 c 608 §231]

255.051 [1957 c.608 §194; 1959 c.457 §3; 1969 c 329 §1; 1975 c.766 §9, 1975 c 779 §30, 1979 c.190 §180; 1979 c.533 §3; renumbered 251.095]

255.055 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 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 will be the only polling places used by the district for that election; and

(3) No inconvenience for electors of the district will result. [Formerly 259.035]

255.060 [Repealed by 1957 c 608 §231]

255.061 [1957 c.608 §195; 1961 c.532 §1; 1969 c.83 §1, 1971 c 94 §7, 1975 c 766 §10, 1977 c 364 §1; 1979 c.190 §186; renumbered 251.165]

255.062 Date of election on measure referred by district election authority. Unless specifically provided otherwise, when the district election authority of a district that holds regular district elections refers a measure to the electors of the district, the election on the measure shall be held on a district election date specified by the district election authority in the order calling the election. The election date may not be sooner than the first available election date in ORS 255.345 (1) for which the filing deadline can be met after the date of the order calling the election and may not be later than the next regular district election following the 61st day after the date of the order. [1983 c 350 §72, 1985 c.808 §40, 1989 c 923 §13]

255.070 [Repealed by 1957 c 608 §231]

255.075 Publication of notice of district election to elect district board or district school board; notice by mail. (1) When a district election is to be held for the purpose of electing members of the district board, the election officer shall publish 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 for nomination or declarations of candidacy. The notice shall be printed once in a newspaper of general circulation in the district not later than the 40th day before the last day for filing a petition for nomination or declaration of candidacy.

(2) In lieu of or in addition to publication of notice under subsection (1) of this section, the election officer may give notice by mail to each elector of the district. The notice shall have postage prepaid and shall be considered given when mailed. The notice shall be made not later than the 40th day before the last day for filing a petition for nomination or declaration of candidacy. Proof of mailing shall be by affidavit of the district

election officer who mailed the notice. The affidavit shall state the time and place the notice was mailed.

(3) The Secretary of State by rule shall establish the procedures that the election officer shall follow in maintaining adequate records for preparation of the notice required under subsection (1) of this section. [Formerly 259.080, 1981 c.639 §6; 1983 c.379 §1; 1985 c.808 §41]

255.080 [Repealed by 1957 c 608 §231]

255.085 Notice of district election on issuance of bonds or on other measure. (1) Not later than the 61st day before a district election on a measure to be held on the fourth Tuesday in March, the third Tuesday in May or the first Tuesday after the first Monday in November, on the 43rd day before a district election on a measure to be held on the second Tuesday in August or the 34th day before a district election on a measure to be held on any other day, the district election authority shall deliver to the election officer a notice stating the date of the election and a ballot title. The district election authority shall prepare the ballot title for a measure referred by the authority with the assistance of the district attorney for the county of the election officer or an attorney employed by the district election authority.

(2) If a district submits a measure to the electors of the district at an election held on the third Tuesday in May or the first Tuesday after the first Monday in November and the district submitted a measure on the election date in ORS 255.345 (1) immediately preceding the date of an election held on the third Tuesday in May or the first Tuesday after the first Monday in November, the district election authority shall file the measure for the election held on the third Tuesday in May or the first Tuesday after the first Monday in November with the election officer not later than the 43rd day before the primary election.

(3) A notice 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.

(4)(a) In the case of a measure submitted by initiative or referendum petition, the election officer shall publish the notice in the next available edition of a newspaper of general circulation in the district after the deadline for filing the notice.

(b) In the case of a measure referred by the district election authority, the election officer shall publish the notice of election and a notice that an elector may file a petition for review of the ballot title not later than the date referred to in ORS 255.155, in the next available edition of a newspaper of general circulation in the district after the notice of election is filed. If the circuit court certifies a different ballot title, the election officer shall publish an amended notice of election in the next available edition of the newspaper referred to in this subsection after the new title is certified to the election officer. [Formerly 259.090, 1981 c.173 §32, 1981 c 391 §11, 1983 c 379 §2; 1985 c.808 §42; 1987 c.707 §23; 1989 c.923 §14]

255.090 [Repealed by 1957 c.608 §231]

255.095 Publication of election notice and facsimile of sample ballot. (1) Notice of any district election shall be published once in a newspaper of general circulation in the district.

(2) Not later than the day of the election nor sooner than the 15th day before the election, the election officer shall publish 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 the newspaper in which the notice was published under subsection (1) of this section, at the current published local display advertising rate.

(3) The Secretary of State by rule may establish the procedure for preparing election notices for publication in a newspaper. [Formerly 259.100, 1983 c 379 §3]

INITIATIVE AND REFERENDUM

255.115 Definitions. As used in ORS 255.125 to 255.205, "district" means a district referred to in subsection (5) of section 1, Article IV, Oregon Constitution. [1979 c 190 §290]

255.125 Application of ORS 255.135 to 255.205. ORS 255.135 to 255.205 carry out the provisions of section 1, Article IV, Oregon Constitution, and shall apply to the exercise of initiative or referendum powers by the people of a district regarding a district measure. [1979 c.190 §291]

255.135 Submitting prospective petition; form of petition; statement regarding payment of petition circulators. (1) Before circulating a petition to initiate or refer a district measure, the petitioner shall file with the election officer a prospective petition. The election officer immediately shall date and time stamp the prospective petition, and specify the form on which the

petition shall be printed for circulation. The officer shall retain the prospective petition.

(2) An initiative or referendum petition shall designate the name and residence address of not more than three persons as chief petitioners. The cover of a referendum petition shall contain the title described in ORS 255.145 (1). If the circuit court has not reviewed the ballot title under ORS 255.155, the cover of an initiative petition shall contain the ballot title described in ORS 255.145 (3). If the circuit court has reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the court.

(3) The chief petitioners shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the initiative or referendum petition. After the prospective petition is filed, the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief petitioners first has knowledge or should have had knowledge that:

(a) Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no such person would be paid.

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.

(4) Each sheet of signatures on an initiative petition shall contain the caption of the ballot title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance to be referred and the date it was adopted by the district board. Each sheet of signatures shall be attached to a full and correct copy of the measure to be initiated or referred.

(5) The reverse side of the cover of an initiative or referendum petition and both sides of a signature sheet may be used for obtaining signatures on an initiative or referendum petition. If both sides of a signature sheet are used, each side shall contain the information required on a signature sheet under subsection (4) of this section.

(6) Not more than 20 signatures on the cover or on each side of each sheet of the initiative or referendum petition shall be counted. The cover of the initiative or referendum petition, if the cover is used to gather signatures, and each signature sheet shall be verified on its face by the signed statement of the circulator that the individuals signed the cover or sheet in the presence of the circulator and that the circulator believes each individual is an elector registered in the district. [1979 c 190 §292; 1981 c.909 §8; 1983 c.756 §12]

255.145 Preparation of ballot title for certain measures; notice. (1) When a prospective petition for a district measure to be referred is filed with the election officer, the officer shall authorize the circulation of the petition containing the title of the measure as enacted by the district election authority or, if there is no title, the title supplied by the petitioner filing the prospective petition. The election officer immediately shall send two copies of the prospective petition to the district attorney of the county in which the administrative office of the district is located.

(2) When a prospective petition for a district measure to be initiated is filed with the election officer, the officer immediately shall send two copies of it to the district attorney of the county in which the administrative office of the district is located.

(3) Not later than the fifth business day after receiving the copies of the prospective petition, the district attorney shall provide a ballot title for the district measure to be initiated or referred and return one copy of the prospective petition and the ballot title to the election officer. Unless the circuit court certifies a different title, this ballot title shall be the title printed on the ballot.

(4) A copy of the ballot title shall be furnished to the chief petitioner.

(5) The elections officer, upon receiving a ballot title for a district measure to be referred or initiated from the district attorney, shall publish in the next available edition of a newspaper of general circulation in the district a notice of receipt of the ballot title including notice that an elector may file a petition for review of the ballot title not later than the date referred to in ORS 255.155. [1979 c 190 §293; 1985 c 808 §43, 1987 c.707 §20a]

255.155 Procedure for elector dissatisfied with title. (1) Any elector dissatisfied with a ballot title filed with the election officer by the district attorney or district election authority may petition the circuit court of the judicial district in which the administrative office of the district is located seeking a different title and stating the reasons the title filed with the court is insufficient, not concise or unfair. The petition must be filed not later than the seventh business day after the title is filed with the election officer. The court shall review the title and measure to be initiated or referred, hear arguments, if any, and certify to the election officer a title for the measure which meets the requirements of ORS 250.035 and 250.039.

(2) The review by the circuit court shall be the first and final review, and shall be conducted expeditiously to insure the orderly and timely circulation of petitions or conduct of the election at which the measure is to be submitted to the electors. [1979 c.190 §294; 1983 c.514 §13a; 1987 c.707 §21; 1989 c 503 §16]

255.165 Signature requirements. (1) Except for a district measure of the Port of Portland, a metropolitan service district organized under ORS chapter 268, a school district with an enrollment exceeding 40,000 pupils or a mass transit district situated in a standard metropolitan statistical area with a population exceeding 400,000, other than a mass transit district measure relating to a route, schedule or fare change, a petition to refer or initiate a district measure must be signed by a number of electors registered in the district that:

(a) For an initiative petition, is not less than 15 percent of the total number of votes cast in the district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term; and

(b) For a referendum petition, is not less than 10 percent of the total number of votes cast in the district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term.

(2) A petition to refer or initiate a district measure of the Port of Portland, a metropolitan service district organized under ORS chapter 268, a school district with an enrollment exceeding 40,000 pupils or a mass transit district situated in a standard metropolitan statistical area with a population exceeding 400,000, other than a mass transit district measure relating to a route, schedule or fare change, must be signed by a number of electors registered in the district that:

(a) For an initiative petition, is not less than six percent of the total number of votes cast in the district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term; and

(b) For a referendum petition, is not less than four percent of the total number of votes cast in the district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term.

(3) Except for a district measure of the Port of Portland, a metropolitan service district organized under ORS chapter 268, a school district with an enrollment exceeding 40,000 pupils or a mass transit district situated in a standard metropolitan statistical area with a population exceeding 400,000, other than a mass transit district measure relating to a route, schedule or fare change, a petition to refer a district measure must be filed with the elections officer not later than the 30th day after adoption of the district ordinance sought to be referred.

(4) A petition to refer a district measure of the Port of Portland, a metropolitan service district organized under ORS chapter 268, a school district with an enrollment exceeding 40,000 pupils or a mass transit district situated in a standard metropolitan statistical area with a population exceeding 400,000, other than a mass transit district measure relating to a route, schedule or fare change, must be filed with the elections officer not later than the 90th day after adoption of the district ordinance sought to be referred. [1979 c 190 §295; 1983 c.350 §75; 1987 c.211 §1; 1989 c 328 §1]

255.175 Filing officer; filing requirements. (1) An initiative or referendum petition relating to a district measure shall be filed with the election officer for signature verification. The filed petition shall contain only original signatures.

(2) An initiative or referendum petition relating to a district measure shall not be accepted for filing if it contains less than 100 percent of the required number of signatures. [1979 c.190 §296; 1989 c.68 §9]

255.185 Date of election on measure initiated or referred by electors. (1) In a district that holds regular district elections, if an initiative or referendum petition contains the required number of verified signatures, the election on the district measure shall be held on a district election date specified by the district election authority in the order calling the election. The election date may not be sooner than the 40th day after the date of the order calling the election and may not be later than the first regular district election following the 40th day after the date of the order.

(2) In a district that does not hold regular district elections, if an initiative or referendum petition contains the required number of verified signatures, the election on the district measure shall be held on the next available district election date. [1979 c.190 §297; 1983 c.350 §76, 1985 c.808 §44]

255.195 [1979 c.190 §298; 1985 c.471 §13; repealed by 1987 c.724 §7]

255.205 Retention of petition materials. The election officer shall retain the signature sheets of a filed initiative or referendum petition with a copy of the district measure. If the measure is approved by the district electors, a copy of the measure shall be preserved as a permanent public record, and the signature sheets shall be preserved for six years. [1979 c.190 §299]

255.210 [Repealed by 1957 c.608 §231]

255.211 [1957 c.608 §197; 1961 c.49 §3; 1971 c.94 §3; 1971 c.733 §5; 1973 c.658 §2; 1975 c.766 §11; 1979 c.190 §181; renumbered 251.115]

255.215 Notice by mail in lieu of or in addition to newspaper publication. In lieu of or in addition to publication of notice under ORS 255.085 and 255.095, if it is expedient to do so the election officer may give notice by mail to each elector of the district. The notice shall have postage prepaid, and shall be considered given when mailed. Mailed notice of a district election shall be made not sooner than the 15th day nor later than the 10th day before the election. Proof of mailing shall be by affidavit of the election officer. The affidavit shall state the time and place the notice was mailed. [Formerly 259.110; 1981 c.173 §33; 1981 c.639 §7; 1985 c.808 §45]

255.220 [Amended by 1957 c.608 §198; repealed by 1979 c.190 §431]

255.230 [Repealed by 1957 c.608 §231]

255.231 [1957 c.608 §199; 1959 c.457 §4; 1971 c.94 §4; 1971 c.733 §6; 1973 c.658 §4; 1975 c.766 §12; repealed by 1979 c.190 §431]

NOMINATIONS

255.235 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 electors, or 10 percent of the electors, 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 sooner than the 40th day before the deadline specified in paragraph (a) or (b) of this subsection and:

(a) Not later than the 61st day before the date of the district election if the election is a regular district election or the first election at which members of the district board are elected.

(b) Not later than the 70th day before the date of the district election if the election is held on the date of a primary or general election.

(3) In a district in which a position or zone number is assigned to each office on the district board, each petition for nomination, declaration of candidacy and certificate of nomination for election to the district board shall state the position or zone number of the office to which the candidate seeks election.

(4) A nominee for election to the district board may withdraw the 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. [Formerly 259.070; 1981 c.173 §34; 1983 c.350 §77; 1983 c.567 §17; 1985 c.808 §46; 1989 c.503 §17; 1989 c.923 §15]

255.240 [Repealed by 1957 c.608 §231]

255.241 [1957 c.608 §200; 1961 c.532 §2, 1969 c.83 §2; 1971 c.94 §5; 1975 c.766 §13; 1977 c.364 §2; repealed by 1979 c.190 §431]

255.245 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 electors by the most reasonable and expeditious means practicable under the circumstances, including but not limited to single publication in a newspaper of general circulation in the district. [Formerly 259.075]

255.250 [Amended by 1955 c.96 §2; repealed by 1957 c.608 §231]

255.260 [Repealed by 1957 c.608 §231]

CONDUCT OF ELECTIONS

255.265 Printing of proposed district measure in voters' pamphlet; filing; fees; "district" defined. (1) 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 777.915 to 777.953; and

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

(2) The Secretary of State shall print in the primary or general election voters' pamphlet any district measure, and any information appearing on the ballot relating to the measure, if the district election authority, not later than the 70th day before the primary or general election, files the measure and other information with the secretary, and if the time for filing a petition for judicial review of the ballot title under ORS 255.155 has passed. The district shall pay to the Secretary of State the cost of including

the measure and other information in the pamphlet as determined by the secretary. [Formerly 259.045; 1981 c.173 §35]

Note: The amendments to 255.265 by section 55, chapter 267, Oregon Laws 1987, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

255.265. (1) 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.

(2) The Secretary of State shall print in the biennial primary or general election voters' pamphlet any district measure, and any information appearing on the ballot relating to the measure, if the district election authority, not later than the 70th day before the biennial primary or general election, files the measure and other information with the secretary, and if the time for filing a petition for judicial review of the ballot title under ORS 255 155 has passed. The district shall pay to the Secretary of State the cost of including the measure and other information in the pamphlet as determined by the secretary.

255.275 Consolidated use of election supplies. The county clerk, when practical, shall use the same election notices, election boards, polling places, official and sample ballots, poll books, equipment and materials necessary for the conduct of the elections. [Formerly 259 220]

255.285 Combining of election precincts. The county clerk may combine precincts for any district election not later than the 30th day before the election. [Formerly 259.120; 1985 c.471 §12]

255.288 Posting map of proposed boundaries for election on boundary question. At any election in which the question of establishing or changing the exterior boundaries of a district or the question of establishing or changing boundaries of electoral zones or subdistricts within a district is submitted to a vote, the election officer shall post in each voting compartment or by each shelf or table, within view of the elector, a map indicating the proposed boundaries. [1983 c.350 §74]

255.291 Ballot to state position or zone number of candidate. In a district in which a position or zone number is assigned to each office on the district board, the ballot shall state the position or zone number of the office to which the candidate seeks election. The candidate's name shall appear on the ballot only for the designated position or zone. [1983 c 350 §79]

255.295 Preparing abstract; certification of results. (1) Not later than the 20th day after the date of an election held on the same day as a primary or general election, or not later than the 10th day after an election held on any other day, the county clerk shall prepare an abstract of the votes and deliver it to the district election authority. Not later than the 30th day after receiving the abstract the district election authority shall determine from it the result of the election.

(2) A certificate of election shall be issued by the county clerk only after the district election authority has notified the county clerk in writing of the result of the election. [Formerly 259.200; 1989 c 221 §1]

255.305 Expenses paid by district; apportionment of expenses. (1) Except as otherwise provided by ORS 198.775, 261.210 and 607.025, the expenses incurred for a district election shall be paid by that district.

(2) When two or more districts hold an election on the same day, the expenses of the election shall be equitably apportioned among the districts.

(3) The Secretary of State by rule:

(a) May designate a formula for the apportionment of expenses under subsection (2) of this section; and

(b) Designate categories of election expenses that are chargeable to a district. [Formerly 259.230; 1983 c.514 §14]

255.310 [Repealed by 1963 c.160 §1]

ELECTION DATES

255.325 Legislative intent to promote regularity of special district elections; rulemaking and enforcement by Secretary of State. The Secretary of State by rule shall require the districts that are not in compliance with ORS 255.335 to so comply. For this purpose, the rule may require adjusting or staggering terms of board members. [Formerly 259 235; 1981 c 173 §36]

255.335 Regular election dates; terms of board members; organizational meeting. (1) The regular district election shall be held by each district, 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 fourth Tuesday in March.

(2) Each school district not described in subsection (3) of this section shall hold the regular district election annually on the fourth Tuesday in March. A district shall not conduct more than one election of board members in any year.

(3) A school district having a population of 300,000 or more, according to the latest federal decennial census, shall hold the regular district election in each odd-numbered year on the fourth Tuesday in March.

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

(5) The term of a board member elected at the regular district election shall commence on the first day of July next following the election, and shall expire June 30 next following the regular district election at which a successor is elected.

(6) Each district board shall hold a regular organizational meeting following the regular district election and not later than the last day of July of that year. [Formerly 259.240; 1981 c.639 §8; 1983 c.350 §80, 1983 c.379 §4; 1989 c.923 §16]

255.345 Special election dates. (1) Except as provided in ORS 255.355 and subsection (2) of this section, a special election called by a district election authority shall not be held on any date other than:

(a) The fourth Tuesday in March;

(b) The third Tuesday in May;

(c) The last Tuesday in June;

(d) The second Tuesday in August;

(e) The third Tuesday in September; or

(f) The first Tuesday after the first Monday in November.

(2) A special election may be held on a date other than that provided in subsection (1) of this section, if the district election authority by resolution finds that an election sooner than the next available election date is required on a measure to finance repairs to property damaged by fire, vandalism or a natural disaster.

(3) As used in this section, "district election authority" means the body or officer authorized or required to call an election for a public corporation formed under, and deriving its powers solely from, the statutes of this state, but does not include a city or county. [Formerly 259.260, 1981 c.639 §9, 1989 c.923 §17]

255.355 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 255.345, 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 electors of the district in a number not less than 10 percent of the number who voted at the last election held on the proposed levy. The signatures on the petition shall be verified by the election officer not later than the fifth day after the petition is filed with the officer. 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 electors of the district a school closure will occur, the board may call the special election if:

(a) There is no date specified in ORS 255.345 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 electors 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 or notifying households in the district by means of handouts to students or others.

(5) The proposed levy submitted to district electors at an election called under this section shall not be greater than the proposed levy defeated by the electors at the immediately preceding election. [Formerly 259.265]

255.410 [Amended by 1953 c.359 §4, 1957 c.608 §201; 1961 c.532 §3; 1969 c.83 §3; 1975 c.766 §14; 1977 c.516 §4; 1979 c.190 §188; renumbered 251.185]

255.415 [1975 c.766 §25; 1977 c.460 §1, 1977 c.508 §12; 1979 c.190 §195; renumbered 251.255]

255.418 [1975 c.766 §18; 1979 c.190 §197; renumbered 251.275]

255.420 [Repealed by 1957 c.608 §231]

255.421 [1957 c.608 §203, 1959 c.457 §5; 1961 c.49 §4, 1965 c.350 §1; repealed by 1973 c.712 §5 (255.422 enacted in lieu of 255.421)]

255.422 [1973 c.712 §6 (enacted in lieu of 255.421); repealed by 1975 c.766 §29]

255.425 [1975 c.766 §17; repealed by 1977 c.460 §3]

255.430 [Amended by 1957 c.608 §204; 1975 c.766 §26, repealed by 1979 c.190 §431]

255.435 [1975 c.766 §2a; 1977 c.460 §2; 1979 c.190 §196; renumbered 251.265]

255.440 [Amended by 1953 c.359 §4; 1953 c.647 §2; 1957 c.608 §205; 1973 c.712 §7; 1979 c.190 §189; renumbered 251.195]

255.450 [Amended by 1957 c.608 §206; 1959 c.457 §6, repealed by 1973 c.712 §8 (255.452 enacted in lieu of 255.450)]

255.452 [1973 c.712 §9 (enacted in lieu of 255.450); repealed by 1975 c.766 §29]

255.455 [1977 c.516 §3; 1979 c.190 §198; 1979 c.749 §4; renumbered 251.285]

255.460 [Repealed by 1957 c.608 §231]

255.465 [1975 c.766 §27; 1979 c.190 §194; renumbered 251.245]

255.470 [1965 c.350 §2, 1975 c.766 §16; repealed by 1975 c.766 §29]

255.510 [1967 c.63 §2; 1979 c.190 §199; renumbered 251.295]

255.990 [Amended by 1973 c.155 §6; 1979 c.190 §200, renumbered 251.991]

CHAPTERS 256 AND 257

[Reserved for expansion]