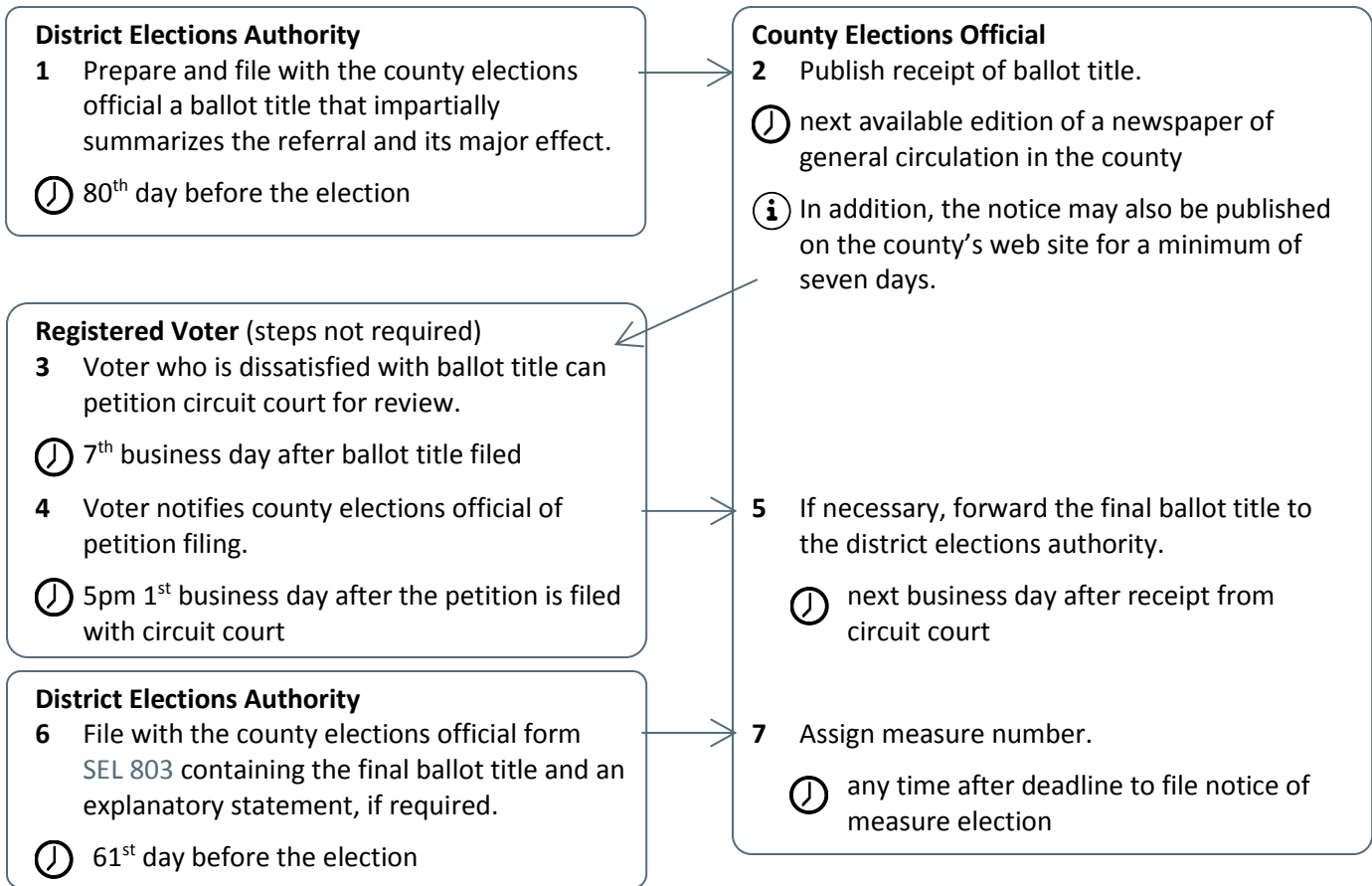


District Referral Steps



District Referral Process

i Districts do not have authority to place advisory questions on the ballot, and a district’s legislative authority extends only as far as allowed by state statute. Districts should refer to their principal act.

Once a district elections authority adopts a resolution referring a measure for the voters to decide, a ballot title must be drafted. All ballot titles must comply with the requirements in ORS 250.035.

Ballot Title

ORS 250.035, 255.085 and 255.145

A ballot title is a concise and impartial statement that will be printed on the ballot summarizing the measure and its major effect. Any voter may challenge the ballot title in circuit court, and the referral may only appear on the ballot once this process is complete.

1 Preparation

The ballot title is prepared by the district elections authority with the assistance of the District Attorney of the county where the administrative office of the district is located or an attorney employed by the district.

2 Format

Each ballot title must contain all of the following elements:

- a caption that does not exceed 10 words describing the subject of the referral;
- a question that does not exceed 20 words plainly phrasing the main purpose of the referral so that an affirmative response to the question corresponds to a yes vote on the referral; and
- a summary that does not exceed 175 words describing the major effect of the referral.



Additional ballot title requirements apply to referrals requesting a general obligation bond, a local option tax, or a permanent rate limit.



For further information you may contact the Elections Division, your bond counsel, or the Oregon Department of Revenue, Property Tax Division 800 356 4222.

3 Notice

The district elections authority must file the ballot title with the county elections official for publication of notice. It is advisable to also publish the notice on the district website for a minimum of seven days. The ballot title may be filed using:



Form SEL 805 Request for Ballot Title – Preparation or Publication of Notice

The county elections official publishes in the next available edition of a newspaper of general circulation or mails to each voter in the district a notice that a ballot title has been received. It is advisable to also publish the notice on the county website for a minimum of seven days. The notice must include all of the following:

- date of the election;
- a statement that a ballot title has been received and that any voter may file a petition for review of the ballot title;
- the deadline for filing a petition for review of the ballot title with the circuit court;
- the ballot title drafted or information on how to obtain a copy; and
- other information as applicable from the SEL 803 filed by the district elections authority.



Notice must be published prior to the deadline to file a petition to review the ballot title.

4 Ballot Title Appeal

Any registered voter who is dissatisfied with the ballot title may petition the circuit court to review the ballot title. If a registered voter files a petition to review a ballot title with the circuit court, the voter must:

- name the district elections authority as respondent;
- state the reasons why the ballot title is insufficient, not concise or unfair; and
- notify the county elections official in writing that a petition has been filed.




If the notification of the county elections official is not timely filed, the petition to the circuit court may be dismissed.



5 Circuit Court Review

When a petition is filed, the circuit court conducts its review and renders its decision certifying a ballot title meeting the requirements of ORS 250.035. The review of the ballot title by the circuit court shall be the first and final review.

-  If the Circuit Court certifies a different ballot title, the county elections official forwards the final ballot title to the district elections authority for preparation of form SEL 803 and must publish an amended notice of election in the next available edition of a newspaper of general circulation in the district.

Explanatory Statement


ORS 251.067, 251.285, 251.345, and OAR 165-022-0040


An explanatory statement is an impartial, simple and understandable statement explaining the measure. The district elections authority must prepare and file an explanatory statement of no more than 500 words for a referral **only** if:

→ the county is producing a voters' pamphlet

or

→ the referral will appear in the state voters' pamphlet.

-  Districts are encouraged to adopt and comply with an ordinance that provides a judicial review procedure for an explanatory statement which is contested. If a district measure is to appear in the state voters' pamphlet, a judicial review procedure is required.


-  See the [State Voters' Pamphlet Manual](http://www.oregonvotes.gov) available at www.oregonvotes.gov for additional requirements for referrals appearing in the state voters' pamphlet.

Certification of Referral to Ballot

ORS 255.085

The district elections authority must certify that the challenge process is complete and file the final ballot title on:


-  Form SEL 803 Notice of Measure Election – District.

 If the county is producing a voters' pamphlet, the county elections official will reject any SEL 803 that is not accompanied by an explanatory statement.

Withdrawal of Referral

To withdraw a referral, the district elections authority must complete and file with the county elections official:

-  Form SEL 804 Withdrawal - Notice of Measure Election.

 The SEL 804 must be submitted no later than the 61st day before the election.



List of Forms

SEL 801

Notice of Measure Election – County

SEL 802

Notice of Measure Election – City

SEL 803

Notice of Measure Election – District

SEL 804

Withdrawal – Notice of Measure Election

SEL 805

Ballot Title Request – Preparation or Publication of Notice