

Recall Manual

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2006

Secretary of State

Bill Bradbury

Notice

The 2006 Recall Manual and associated forms are adopted by Oregon Administrative Rule No. 165-014-0005.

Office of the Secretary of State

Bill Bradbury
Secretary of State

Elections Division

John Lindback
Director

141 State Capitol
Salem OR 97310-0722

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Dear Oregonian,

It is my honor to provide the *2006 Recall Manual*. Recall is one way in which Oregon pioneered citizen control of government. Oregonians amended the State Constitution in 1908 to allow citizens to vote to remove an elected public official from office.

This manual—presented in two parts—describes the recall process. The first part outlines the recall petition process, detailing how to file recall petitions, write recall petition cover and signature sheets, circulate petitions, verify signatures and write statements of justification. The second part provides general information on the recall process, including definitions of terms used throughout the manual.

Please contact your local county elections official or the Elections Division of the Secretary of State for help with the recall process. The active participation of Oregonians in helping ensure the quality and integrity of our elected public officials is a welcome and valuable contribution to an effective democracy.

Best,



Bill Bradbury
Secretary of State



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Introduction

The *2006 Recall Manual* provides the procedures and regulations necessary to file a recall petition.

All references in this manual to the Elections Division are to the Elections Division of the Secretary of State's Office.

 This symbol denotes deadlines, which are always located at the bottom of the page.

For assistance contact the Elections Division at:

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Salem OR 97310

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for the hearing impaired

Recall Petition Process

Recall Petition Process (Oregon Constitution, Article II, §18, ORS 249.865-249.877)

Any non-federal public office holder in an elective office may be recalled, whether the person was elected or appointed. A prospective recall petition is filed with the appropriate elections official with whom the office holder files for candidacy. The chief petitioner for a recall must be a registered voter in the district from which the public officer is elected or appointed.

The time when a recall petition may be filed differs between state legislators and all other public offices. See the bottom of this page for specific information.

Filing Prospective Petition (Oregon Constitution, Article II, §18 and ORS 249.865–249.875)

All cover and signature sheets must be approved in writing by the appropriate elections official **before** circulating. Failure to do so will result in the rejection of those signature sheets.

Recall Chief Petitioner

The chief petitioner files the required forms with the appropriate elections official.

Checklist For Filing a Sufficient Prospective Recall Petition

The chief petitioner obtains the following filing forms, available at the back of this manual and online, and files the original prospective recall petition with the appropriate elections official.

Below is a checklist for filing a prospective recall petition:

- Petition for Recall (SEL 350), on which the chief petitioner states in 200 words or less the reasons for demanding the recall
- Statement One or More/No Petition Circulators Will Be Paid (SEL 300)
- Petition for Recall Signature Sheet (SEL 351)

Line 1 of the SEL 351 **must** be signed and completed by the chief petitioner of the prospective petition. Make a copy of the petition sheet before signing the first line to ensure a clean sheet for making copies after receiving written approval to circulate. The copies made for circulation **must** have the Petition for Recall (SEL 350) printed on the back of each Petition for Recall Signature Sheet (SEL 351).
- Statement of Organization for Chief Petitioner Committee (SEL 222)
- a detailed contribution and expenditure report that includes all contributions received and expenditures made to support the recall petition **prior** to filing the prospective petition.

A detailed report must be filed even if there has been no financial activity.

See pages 16–17 of this manual and the Campaign Finance Manual for more information.

When a Prospective Recall Petition May Be Filed

The prospective recall petition may be filed:

→ **For a public office holder other than a State Senator or Representative:**
must serve at least six months of current term of office before being subject to recall

→ **For a State Senator or Representative:**
any time after the 5th day from the beginning of the first legislative session after the election of the legislator

! Warning

The prospective petition will be **invalidated** before it is circulated for signatures if any of the requirements are intentionally or willfully violated by the chief petitioner of the recall petition or the treasurer of the committee the chief petitioner represents.

Elections Official

As soon as possible, the elections official approves, in writing, the Petition for Recall (SEL 350) and the Signature Sheet (SEL 351) for circulation. The Petition for Recall (SEL 350) **must** be printed on the back of the Signature Sheet (SEL 351). Before the petition and signature sheets are approved, the filing officer must review the requirements on pages 17–18. The elections official provides the number of signatures required for the recall and the deadline for submitting the signatures for verification.

See page 20 for signature requirements.

! Warning

*All signature sheets must be approved in writing by the elections official **before** circulating. Failure to do so will result in the rejection of those signature sheets.*

Circulating a Recall Petition (ORS 249.865)

Once the chief petitioner receives written approval of the Petition for Recall (SEL 350) and Signature Sheet (SEL 351), the chief petitioner may begin to circulate the recall petition.

Before collecting signatures, the chief petitioner must review with circulators **all of the requirements and guidelines** for circulating the recall petition.

A detailed list of instructions for circulators is on the Petition for Recall (SEL 350). Failure to comply with the legal requirements and guidelines will result in rejection of those sheets. Some of the guidelines are:

- all signers **must** be active registered voters within the public officer's electoral district
- all signers on any one petition sheet **must** be registered in the same county
- all signatures **must** be original signatures
- all signatures **must** be personally witnessed by the petition circulator and the circulator's certification **must** be completed and dated after all signatures on the sheet have been collected

and

- signatures **should not** be added to a signature sheet once the circulator has certified and dated that sheet

For instructions on certifying new signatures to a petition sheet that has already been certified and dated by a circulator, see OAR 165-014-0270(4)(d) on page 28.

See pages 18-20 for guidelines for the circulation of petitions and certification of signature sheets.

! Warning

Violations of the circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years.

Recall Chief Petitioner and Circulators

After reviewing the legal requirements and guidelines for circulating a recall petition, the chief petitioner and circulators may start circulating signature sheets.

The chief petitioner and other circulators circulate the recall petition by:

- obtaining more than the required number of electors' signatures to ensure the petition contains the sufficient number of valid signatures
- ensuring all signers on any one signature sheet are registered in the same county
- ensuring all signatures are original signatures

and

- ensuring each signature sheet certification is signed and dated by the circulator

Filing a Completed Recall Petition (ORS 249.875)

Once the chief petitioner has collected at least the required number of signatures to place a recall on the ballot, the chief petitioner may submit the signatures to the appropriate elections official.

Only the chief petitioner may submit signature sheets for verification. Signature sheets will not be accepted from circulators, agents, circulator companies or any other entity unless the chief petitioner is personally present at the time the signatures are submitted to the appropriate elections official.

- 1 Before submitting the signature sheets for verification with the elections official, the chief petitioner **must**:

- sort the signature sheets by county

and

- number each signature sheet sequentially within each individual county in the space provided



Warning

It is the responsibility of the chief petitioner to ensure that the signature sheets for each county are separated and numbered sequentially before filing the petition signatures for verification. Failure to comply with this requirement will result in rejection of those sheets not filed in accordance with OAR 165-014-0030.



- 2 Submit sorted and numbered signature sheets for verification with the appropriate elections official. The petition must contain at least the required number of original signatures.

Verification of Signatures (ORS 249.875)

After receiving the signature sheets from the chief petitioner, the elections official begins the process of verifying the signatures to determine if the recall petition contains enough valid signatures to qualify for an election.

Elections Official

The elections official processes signature sheets submitted for verification for each recall petition by:

- comparing the submitted signature sheet to the approved versions
- verifying that each signature sheet is signed and dated by the circulator
- verifying that the Petition for Recall (SEL 350) is copied on the back of each signature sheet

and

- sending the signature sheets to the appropriate county elections officials (unless the recall petition is filed with the county) for verification of original signatures



Deadline to Submit Signatures

The deadline for the chief petitioner to submit signatures is no later than 5pm on the 90th day after filing the prospective recall petition. Day one begins the day after the chief petitioner filed the prospective recall petition with the appropriate filing officer.

Deadline to Complete Signature Verification

Signature verification must be completed no later than the 10th day after the signatures are submitted for verification or no later than the 100th day after the filing of the prospective petition, whichever is earlier.

If the petition requires more than 4,500 signatures, the elections official may use the statistical sampling process described in OAR 165-014-0110 to determine the petition's sufficiency.

County Elections Official

The county elections official verifies original signatures against voter registration records to ensure they match and to determine that they are active registered voters of the public officer's electoral district.

Appropriate Elections Official

If the elections official determines that a sufficient number of valid signatures have been submitted, the elections official certifies the recall petition. If the recall petition has qualified to the ballot, the elections official **must** immediately notify the chief petitioner and the public officer subject to recall of the public officer's opportunity to resign or submit a statement of justification.

If an insufficient number of valid signatures have been submitted, the elections official notifies the chief petitioner and the public officer of the insufficient filing.

All notices from the elections official to the chief petitioner and the public officer **must** be made in writing.

If signatures are submitted before the 90th day and signature verification shows that the petition has not qualified, the chief petitioner may submit additional signatures up to the 90th day after filing the prospective petition.

Recall Chief Petitioner

The recall chief petitioner files a detailed contribution and expenditure report (Recall Drive Report). A detailed contribution and expenditure report must be filed whether or not signatures are submitted for verification.

See pages 16–17 of this manual and the Campaign Finance Manual for specific information and instructions.

Statement of Justification by Public Officer (Oregon Constitution, Article II, §18 and ORS 249.877 and 254.546)

After it has been determined that there are sufficient signatures to place the recall question on the ballot, the elections official **must** notify the public officer in writing of the deadline to resign or submit a statement of justification.

Public Officer Against Whom Recall Petition Has Been Filed

Once the election official has notified the public officer in writing, the public officer may either:

→ submit a written resignation to the appropriate elections official

or

→ submit a written Statement of Justification that does not exceed 200 words, explaining the public officer's record in office

If the public officer decides to resign, the resignation is accepted and takes effect on the day it is offered.

If the public officer does not resign, a recall election **must** be scheduled.

Deadline to Resign or File Statement of Justification

The public officer against whom a recall petition has been filed may resign or file a Statement of Justification no later than the 5th day after the recall petition was certified. Day one begins on the day following the day the petition is certified.

Deadline to File the Contribution and Expenditure Report

The detailed contribution and expenditure report (Recall Drive Report) must be filed no later than 5pm of the 15th day after the deadline for filing a recall petition for signature verification. Day one is the day following the last day to file the recall petition.

County Elections Official

The county elections official conducts the recall election. Each ballot must include **all** of the following:

- reasons for demanding the recall of the public officer in 200 words or less, exactly as submitted by the chief petitioner on the prospective petition
- if submitted, the public officer's statement of justification of course in office in 200 words or less exactly as filed by the public officer

and

- other ballot information required by law

After the election, the county elections official notifies the appropriate elections filing officer of the results of the recall election.

**Public Officer Against Whom Recall
Petition Has Been Filed (ORS 254.546)**

The public officer continues to perform the duties of the office until the abstract of votes is delivered by the county clerk to the appropriate elections official.

Elections Official

The elections official notifies the public officer of the results of the recall election.

If the recall election is successful, the vacancy in office occurs immediately upon delivery of the abstract of votes to the appropriate elections official.

**Deadline to Conduct the Recall Election**

The recall election must be held within 35 days after the resignation period has expired. Day one begins the day after the last day to resign.

**Deadline for the County Elections Official to
Deliver Abstract of Votes**

The county elections official must deliver the abstract of votes to the appropriate elections official no later than the 20th day after the election.

**Deadline for Elections Division to Declare
Election Results**

If the Elections Division is the filing officer for the recall, the deadline to declare the results of the election is no later than the 30th day after the election.

Timeline for Recall Petition

Chief Petitioner

State Senator or Representative

The prospective recall petition may be filed any time after the 5th day from the beginning of the first legislative session after the election of the legislator.

All Other Nonfederal Public Office Holders

The prospective recall petition may be filed any time after the public officer has served 6 months of current term.

Signatures must be submitted to the appropriate elections official no later than 5pm on the 90th day after filing the prospective recall petition.

Public Officer

Appropriate Elections Official

County Elections Official

The Recall Drive Report of contributions and expenditures must be filed no later than 5pm on the 15th day after the deadline for filing the recall petition for signature verification.

The annual September Supplemental Report is due no later than 5pm, September 10th of each year until a report is filed showing a zero balance.

The public officer may either resign or file a Statement of Justification no later than the 5th day after the recall petition is certified.

Vacancy in office occurs immediately upon resignation, if filed, or if recall election is successful, immediately upon delivery of abstracts to appropriate elections official.

Signature verification must be completed no later than the 10th day after the signatures are submitted for verification or no later than the 100th day after the filing of the prospective petition, whichever is earlier.

The recall election must be held no later than 35 days after the resignation period has expired.

Abstract of votes must be delivered by county elections officials to the appropriate elections official no later than the 20th day after the recall election.

General Information

Contribution and Expenditure Reporting (ORS 249.865, 260.042, 260.058–260.159)

Prospective Recall Petition Reporting Requirements (ORS 249.865 and ORS 260.118)

When a prospective recall petition is filed, the chief petitioner **must** file an initial detailed contribution and expenditure report (even if no activity). This report must include all contributions received and expenditures made to support the recall petition **prior** to filing the prospective petition. The chief petitioner must also file a Statement of Organization for Chief Petitioner Committee (SEL 222) and designate a treasurer.

A chief petitioner committee may be designated to support only one recall petition. The treasurer must keep accounts and file reports for that single and distinct committee separate from any other committee.

The treasurer **must** file a second detailed contribution and expenditure report (recall drive report) whether or not signatures are submitted for verification. If the recall drive report shows a balance or deficit, an annual September Supplemental contribution and expenditure report must be filed.

Recall Election Reporting Requirements

If a recall petition **does result** in a recall election, funds of the chief petitioner committee should not be spent to support the recall election.

If the chief petitioner intends to be active in the recall election, a campaign account must be established and a Statement of Organization for Political Action Committee (SEL 221) and Campaign Account Information form (SEL 223) must be filed.

If the chief petitioner wishes to discontinue the chief petitioner committee and transfer any residual funds or deficit to the political action committee, see the *Campaign Finance Manual* for instructions.

A First Pre-Election Report is not required

because of the short time frame for recall elections.

A Second Pre-Election Report is required.

The accounting period for this report begins on the day the first contribution is received or the first expenditure is made, whichever is sooner, and ends on the 16th day before the election.

For further election reporting requirements, see “Supplements to the Second Pre-Election Report,” “Post-Election Report” and “September Supplemental Report” in the Campaign Finance Manual.

See the Campaign Finance Manual for the appropriate forms for filing the reports and

Deadline to File Statement of Organization for Chief Petitioner Committee and Initial Contribution and Expenditure Report

Must be filed with the prospective petition.

Deadline to File Recall Drive Report

No later than the 15th day after the deadline for submitting signatures for verification. The accounting period for this report begins on the date the prospective recall petition is filed and ends on the deadline for submitting signatures for verification.

Deadline to File Statement of Organization for Political Action Committee

The Statement of Organization must be filed within 3 business days of receiving a contribution or making an expenditure to support the recall election.

Deadline to File September Supplemental Contribution and Expenditure Report

The September Supplemental Report is due no later than 5pm, September 10th of each year until a report is filed showing a zero balance.

instructions on how to complete the contribution and expenditure report forms.

For a schedule of accounting periods and filing deadlines specific to the recall election, contact the appropriate elections filing officer.

Cover and Signature Sheet Requirements (Oregon Constitution, Article II, §18, ORS 249.865)

All cover and signature sheets must be approved in writing by the elections official **before** circulating any petition. Signatures collected on unapproved cover and signature sheets will be rejected.

Warning

Logos, slogans, advertisements, party affiliation, etc. or any symbol or language which may be construed as advocacy is not permitted on any cover or signature sheet. Failure to comply with this requirement will result in rejection of those sheets and disqualification of those signatures.

Cover Sheet Requirements

Each cover sheet for a recall petition must include **all** of the following:

- the words **Petition for Recall of**, followed by the correct name of the officer being recalled, and the date the prospective petition was filed
- the title of the officer being recalled

The title must be the correct title of the office to which the officer was elected or appointed.
- statement of reasons for demanding the recall (no more than 200 words)
- the name and address of the treasurer of the chief petitioner committee (from SEL 222)

and

- the instructions to the petition circulators and signers exactly as they appear on the Petition For Recall (SEL 350)

Signature Sheet Requirements

The Petition for Recall (SEL 350) must be copied on the back of each signature sheet for a recall petition (SEL 351).

Signature sheets must appear exactly as the forms located in the back of this manual and must include **all** of the following:

- a notice stating whether or not one or more petition circulators will be paid
- the sentence "Do not sign this petition more than once"
- area for placing the petition identification number
- Petition for Recall of (*name and exact title of public officer*)
- date the prospective petition was filed
- statement that signers on any one signature sheet must be active registered voters in the same county
- area for placing the signature sheet number
- petition circulator's certification stating that each person who signed the petition did so in the circulator's presence and the circulator believes each signer is an elector
- area for providing date when circulator signed certification
- area for placing the county elections official's certification

and

Deadline to File Second Pre-Election Report

The Second Pre-Election Report is due no sooner than the 15th day and no later than 5pm on the 12th day before the date of the recall election.

→ ten signature lines unless a variation is approved by the elections filing officer

Each signature line must include fields for:

- signature
- date of signing petition
- printed name
- residence address

Signers are required to provide a signature and residence address. However, an elector's printed name and date they signed the petition are not mandatory under Oregon law. These information fields, while optional for the signer, provide valuable assistance to county elections officials who perform the signature verification. If these lines are not completed, the signatures may still be submitted for signature verification. If the county elections official can determine from the signature alone that the elector was an active registered voter at the time the elector signed the petition, that signature will count toward the total signature requirement for the petition. If no date is provided by the elector, the signatures are considered valid only if the county elections official determines that the elector was an active registered voter during the period beginning the date the petition was approved for circulation through the date the petition is filed for signature verification.



Warning

Circulators are advised to encourage signers to complete the optional information whenever possible. Failure to provide the optional information increases the possibility that the signature cannot be confirmed to be that of an active registered voter, and thus reduces the chances of the petition having adequate verifiable signatures to qualify for the ballot.

All cover and signature sheets must be approved in writing by the elections official **before** circulating. Failure to do so will result in the rejection of those signature sheets.

Format Requirements for all Cover and Signature Sheets

Recall signature sheets **must** meet the following formatting requirements:

- standard 8-1/2" x 11" size paper
- at least 20 pound (weight) uncoated paper

and

- printed on white or pastel colored paper stock to render text readable and enable election officials to readily verify signatures

Size and style of type must be deemed readable and approved for circulation in writing by the appropriate elections official.



Warning

Any proposed variation to an approved signature sheet must be resubmitted and approved in writing by the appropriate elections official **before** circulating. Failure to do so will result in rejection of those signature sheets.

Guidelines for Circulation of Petitions (ORS 249.865, 260.555 and 260.558)

It is very important that chief petitioners instruct circulators on the guidelines for circulating a petition. A circulator's failure to comply with the guidelines may result in the rejection of petition signature sheets. To ensure compliance with the circulating requirements, the chief petitioner must educate their circulators and monitor their activities.

Petition Circulator

Each petition circulator:

- **must** only circulate approved signature sheets with the Petition for Recall (SEL 350) copied on the back of the signature sheet (SEL 351)
- **must** ensure all active registered voters who sign a single signature sheet are residents of the same county
- **must** personally witness each person who signs the signature sheet

→ using their legal signature, with a minimum of a first name initial and full last name, **must** sign the petition circulator's certification stating that:

"I hereby certify that every person who signed this sheet did so in my presence, and I believe each person is a qualified voter in the public official's electoral district."

After signing the certification, the circulator **must** fill in the date and **should not** collect any additional signatures on that sheet.

For instructions on certifying new signatures to a petition sheet that has already been certified and dated by a circulator, see OAR 165-014-0270(4)(d) on page 28.

- **must not** attempt to obtain the signature of a person knowing that the person signing the petition is not qualified to sign it
- **must not** knowingly make any false statement regarding the contents, meaning or effect of the petition to a prospective signer
- **must not** offer money or any thing of value to another person to sign or not sign a petition
- **must not** sell or offer to sell signature sheets **and**
- **may** be paid to obtain signatures on any petition



Warning

Violations of the circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years.

Petition Signer

Each petition signer must be an active registered voter of the electoral district of the public officer at the time of signing the petition or the person's signature will not be counted.

Signing a petition and filling out a voter registration card at the same time is not sufficient to make the petition signature valid, unless the **completed** card is received by a filing officer before 5pm on the same day the petition is signed.

Certification of Signature Sheets (OAR 165-014-0270)

While processing signature sheets submitted for verification, the elections official confirms that each signature sheet has a sufficient circulator certification. The following criteria (as adopted in OAR 165-014-0270; see pages 28–29) are used to determine what constitutes an insufficient or sufficient circulator certification.

Insufficient Circulator Certification

A petition sheet **will be rejected** for insufficient circulator certification for **any** of the following reasons:

- no signature whatsoever appears below the certification
- no date appears next to circulator's signature or the date is crossed out
- the date of the circulator certification is earlier than the date of the electors' signatures, unless the circulator and the only signer are the same person
- the original date is crossed out, and a new date is provided, but the circulator failed to re-sign
- any part of the original date is overwritten with a different date
- the date information is insufficient or ambiguous
 - The date must be provided in month, day, year order if written in all numeric characters.
- the original signature of a circulator has been crossed out, and a different circulator's signature is inserted
- two individuals sign and date as circulator, unless the only signers and the circulators are the same people
- white-out appears on the signature or date line
- the circulator has signed using only initials, unless the circulator's use of initials as a signature is verified by exemplar
- the circulator has signed using a signature stamp, unless use of a signature stamp has been approved under ORS 246.025
- the circulator's signature is photocopied, carbon-copied, or otherwise appears on the face of

the document to be a replicated and not an original signature except as provided for in ORS 250.043

- the signature, printed name, and address are all illegible
- the signature alone is illegible, unless the circulator's use of the apparently illegible signature is verified by exemplar
- the circulator's signature is in printed script rather than cursive script, unless the circulator's use of a printed signature is verified by exemplar

or

- if for any other reason, from the face of the signature sheet, the circulator's identity cannot be determined or it otherwise cannot be determined that the circulator executed the certification after witnessing the electors' signatures

If a preliminary determination is made that a certification is insufficient, the certification signature may be verified by exemplar. For correct procedures on filing an exemplar, refer to OAR 165-014-0270 located on pages 28–29.

Sufficient Circulator Certification

The following defects in the circulator certification **will not result in rejection** of the signature sheet:

- the circulator's signature appears on the printed name line instead of on the signature line
- signature consists of full last name and at least the first name initial
- the circulator has signed and dated the certification, but has not provided an address or printed name

or

- the circulator has re-signed and re-dated the certification and the circulator's original signature has not been crossed out

Signature Requirements for Recall Petition (Oregon Constitution, Article II, §18, ORS 249.870)

The number of active registered voters' signatures required to place a recall on the ballot is **15%** of the total number of votes cast in the public officer's electoral district for all candidates for Governor at the last election at which a candidate for Governor was elected to a full term.

Contact the appropriate elections filing officer to confirm the required number of signatures for the particular public office in question.

Definitions

Definitions

As used in state election manuals, unless the context requires otherwise, the following terms mean:

Act

A bill that has been passed by both houses of the legislature and has either been signed by the Governor, or not vetoed by the Governor within the time provided for the Governor to veto or sign the bill. A bill becomes an Act when it has been signed by the Governor or has become law without the Governor's signature.

Appropriate Elections Filing Officer/Official

The person with whom the candidate or political committee files the appropriate forms:

- State Candidate or Measure—Elections Division, Secretary of State's Office
- County Candidate or Measure—County Elections Official
- City Candidate or Measure—City Recorder/Auditor
- District Candidate or Measure—County Elections Official. (For a district located in more than one county, the County Elections Official of the county in which the administrative office of the district is located.)

As of January 1, 2007, most county and city candidates will file their Statement of Organization and contribution and expenditure reports with the Secretary of State, unless the county or city designates itself to remain the filing officer. Check with the Secretary of State Elections Division, county or city after January 1, 2007.

Assembly of Electors

A gathering of registered voters in one place at one time to nominate candidates to partisan office.

Business Days

Regular work days (calendar days excluding weekends and legal holidays as provided in ORS 187.010 and 187.020.)

Candidate

An individual whose name is printed or expected to be printed on the ballot, an individual who campaigns for write-in votes, or an individual who collects or spends money to secure nomination or election to office at any time, even if the specific office is not indicated and the candidate's name does not appear on a ballot. "Candidate" for purposes of ORS chapter 260 does not include a candidate for precinct committee person.

Candidate Committee

A political committee formed by an individual running for public office.

Chief Petitioner

The individual responsible for the preparation and organization of an initiative, recall or referendum petition. No more than three persons may be designated as chief petitioners for any one initiative or referendum petition. For a recall petition, there is only one chief petitioner.

Chief Petitioner Committee

A committee formed by the chief petitioners of a state initiative or referendum petition or any recall petition. A chief petitioner committee may be designated to support only one state initiative, state referendum, or recall petition. The treasurer shall keep accounts and file reports for that single and distinct committee separate from any other chief petitioner committee or any political committee. A chief petitioner committee is not a political committee.

Circulator

Any person who carries cover and signatures sheets to obtain and witness the collection of signatures.

City Offices

The elected public offices of a city which may be voted on only by the registered voters of the city. City offices typically include a Mayor, four City Councilors, a municipal Judge and other officers the city council considers necessary for the conduct of business. (The offices may vary depending upon the city's charter and ordinances. Contact the city elections filing officer for any questions regarding city offices.)

Committee

A political committee or a chief petitioner committee.

Committee Director

Any person who directly and substantially participates in decision-making on behalf of a political committee concerning the solicitation or expenditure of funds and the support of or opposition to candidates or measures. The officers of a political party are considered the directors of any political party committee of that party, unless otherwise provided in the party's bylaws.

Committee Identification Number

The six-digit number assigned to Oregon committees registered with the Elections Division.

Completed Petition

A completed petition is either of the following:

- the prospective initiative or referendum petition where the chief petitioners have submitted 100% of the signatures required for verification
- a candidate petition containing 100% of the certified signatures necessary to obtain ballot access

County Offices

The elected public offices of a county which may be voted on only by the registered voters of the county. County offices typically include County Commissioners, County Assessor, County Clerk, County Sheriff, County Surveyor and County Treasurer.

The offices may vary depending upon the county's charter and ordinances. Contact the county elections filing officer for any questions regarding county offices.

District Offices

The elected public offices of a special district (such as a school or water district) which may be voted on only by the registered voters of the special district. District offices typically include a board of directors.

The offices may vary depending upon the district's statutory requirements. Contact the county elections filing officer for any questions about district offices.

Electoral District

An area within the state, county, city or district that is designated to be governed or represented by a particular elected public office.

Electors

Active registered voters in the State of Oregon.

Federal Offices

President, Vice President, United States Senator or United States Representative.

Filing Officer

See "Appropriate Elections Filing Officer/Official."

Initiative Petition

An initiative petition, including complete text, cover and signature sheet, which has received written approval to circulate from the filing officer but has not yet qualified for the ballot.

Local Office or Measure

Any office or measure to be voted upon by the registered voters of a county, city or special district.

Measure

Includes any of the following submitted to the people for their approval or rejection at an election:

- an Act or part of an Act of the Legislative Assembly
- a county, city or special district legislation
- a proposed law
- a proposition or question
- a proposed revision or amendment to the Oregon Constitution

Measure Committee

A political committee organized exclusively to support or oppose one or more measures certified to a ballot in Oregon.

Nonaffiliated Candidate

A candidate filing for a partisan office by Assembly of Electors or Individual Electors. A nonaffiliated candidate cannot have been a member of any political party during the last 180 days before the deadline for filing the certificate of nomination.

Nonpartisan Office

An office for which the candidate does not run under the name of any political party. Nonpartisan offices include: Judge (Supreme Court, Court of Appeals, Tax Court, Circuit Court and County Judge who exercises judicial functions), Superintendent of Public Instruction, Commissioner of the Bureau of Labor and Industries, any elected office of a metropolitan service district under ORS chapter 268, Justice of the Peace, County Clerk, County Assessor, County Surveyor, County Treasurer, Sheriff, District Attorney and any office designated nonpartisan by a home rule charter. Special District offices are also nonpartisan.

OAR

Oregon Administrative Rules.

ORS

Oregon Revised Statutes.

Partisan Office

An office for which the candidate may be nominated by a major or minor political party or as a nonaffiliated candidate.

Person

An individual, corporation, limited liability company, labor organization, association, firm, partnership, joint stock company, club, organization or other combination of individuals having collective capacity.

Political Committee

A combination of two or more individuals, or a person other than an individual, that has received a contribution or made an expenditure for the purpose of supporting or opposing a candidate, measure or political party. Expenditure does not include a contribution to a candidate or political committee required to report the contribution or an independent expenditure that is required to be reported. Political committee also includes an individual who solicits and receives a contribution. A chief petitioner committee is not a political committee.

Political Party Committee

A political committee organized by a political party which has appropriately filed its organizational documents with the Secretary of State under ORS 248.007 or 248.009.

Presidential Elector

A member of the Electoral College that, under the provisions of the United States Constitution, meets after a presidential election (in December) to select the next President and Vice President of the United States.

Prospective Petition

- Candidate—The information and filing forms, except signatures and other identification of petition signers, required to be contained in a completed petition.
- Local (City, County, District)—The information and filing forms, except signatures and other identification of petition signers, required to be contained in a completed petition.
- Statewide—A prospective initiative petition, which has been filed and accepted by the Elections Division's office, but has not received written approval to circulate, from the Elections Division.

Public Office

Any national, state, county, city or district office or position, except a political party office, filled by electors.

Recall Petition

A petition by electors to place a question on a special recall election ballot regarding whether a specified public officer should be removed from office.

Referral

A resolution prepared by the Oregon legislature or a local governing body to place a question on the ballot for electors to decide.

Referendum Petition

A petition by electors to approve or reject legislation adopted by the Oregon legislature or the governing body of a county, city or district.

Registered Voter

A resident of the State of Oregon who:

- is a US citizen
- is 18 years of age or older
- is registered more than 20 calendar days before the election

Regularly Published Publication

A publication published on a recurring basis according to a time schedule that bears no relation to an election.

State Measure

A measure to be voted on by the registered voters of the entire state.

State Offices

Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, Judge (Supreme Court, Court of Appeals, Tax Court, Circuit Court and any County Judge who exercises judicial functions), State Senator, State Representative or District Attorney.

Statewide Offices

The elected public offices of the State of Oregon which are voted on by all the registered voters of the state (Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, Supreme Court Judge, Court of Appeals Judge and Tax Court Judge).

Text

Actual language of proposed new constitutional, statutory, charter or ordinance amendment to be initiated or referred.

Treasurer

A person appointed by a candidate or political committee to manage and report the contributions and expenditures of the candidate or political committee. A treasurer must perform all the duties prescribed for a candidate or political committee under ORS 260.005 and 260.035 to 260.156.

OAR 165-014-0270

OAR 165-014-0270

Circulator Certification

- (1) The purpose of this rule is to incorporate into administrative law previously enforced standards on what constitutes a sufficient circulator certification on Initiative, Referendum, Recall, and Candidate Nominating petitions.
- (2) A petition signature sheet will be rejected for insufficient circulator certification if:
 - (a) No signature whatsoever appears below the certification;
 - (b) No date appears next to circulator's signature or the date is crossed out;
 - (c) The date of the circulator certification is earlier than the date of the electors' signatures, unless the circulator and the only signer are the same person;
 - (d) Original date is crossed out, and a new date is provided, but the circulator failed to re-sign;
 - (e) Any part of the original date is overwritten with a different date;
 - (f) Date information is insufficient or ambiguous. Date must be provided in month, day, year order if written in all numeric characters;
 - (g) The original signature of a circulator has been crossed out, and a different circulator's signature is inserted;
 - (h) Two individuals sign and date as circulator, unless the only signers and the circulators are the same people;
 - (i) White out appears on the signature or date line;
 - (j) The circulator has signed using only initials, unless the circulator's use of initials as a signature is verified by exemplar under paragraph (5) of this rule;
 - (k) The circulator has signed using a signature stamp, unless use of a signature stamp has been approved under ORS 246.025;
 - (l) Circulator's signature is photocopied, carbon-copied, or otherwise appears on the face of the document to be a replicated and not original signature except as provided for in ORS 250.043;
 - (m) Signature, printed name, and address are all illegible;
 - (n) Signature alone is illegible, unless the circulator's use of the apparently illegible signature is verified by exemplar under paragraph (5) of this rule;
 - (o) Circulator's signature is in printed script rather than cursive script, unless the circulator's use of a printed signature is verified by exemplar under paragraph (5) of this rule;
 - (p) If for any other reason, from the face of the signature sheet, the circulator's identity cannot be determined or it otherwise cannot be determined that the circulator executed the certification after witnessing the electors' signatures.
- (3) If a petition signature sheet contains elector signatures dated both on or before the date of the circulator's effective certification and after the date of the circulator's effective certification, the signature sheet will be accepted with regard to the elector signatures dated on or before the date of the certification, but elector signatures dated after the date of the certification will not be accepted.
- (4) The following defects in the circulator certification will not result in rejection of the signature sheet:
 - (a) The circulator's signature appears on the printed name line instead of on the signature line;
 - (b) Signature consists of full last name and at least the first name initial;
 - (c) The circulator has signed and dated the certification, but has not provided an address or printed name; or
 - (d) The circulator has re-signed and re-dated the certification and the circulator's original signature has not been crossed out.
- (5) If a preliminary determination is made under paragraph (2)(j), (n) or (o) of this rule that a certification is insufficient, the certification signature may be verified by exemplar in the following manner:
 - (a) The Elections Division will first compare the certification signature to the circulator's current Oregon voter registration card signature, if available. If the certification signature matches the voter registration signature, the petition signature sheet will be accepted. If the certification signature does not match the voter registration signature, the petition signature sheet will be rejected for insufficient certification.

- (b) If an Oregon voter registration card bearing the circulator's signature is not available as an exemplar, the Elections Division will compare the certification signature to an alternative exemplar filed with the Elections Division or retained on file by the Elections Division under section (6) of this rule. If the certification signature does not match the alternative exemplar provided or retained under section (6) and (7) of this rule, the petition signature sheet will be rejected for insufficient certification.
- (c) If an Oregon voter registration card bearing the circulator's signature is not available as an exemplar, and an alternative exemplar has not been filed with or retained on file by the Elections Division under section (6) and (7) of this rule, the Elections Division will notify the chief petitioner or the chief petitioner's designee by telephone and electronic mail, if available, and provide the chief petitioner or designee an opportunity to submit an alternative exemplar of the circulator's signature.
- (A) If an alternative exemplar is requested by the Elections Division not later than the 20th day after signatures are submitted for verification, the chief petitioners or the chief petitioner's designee must provide the alternative exemplar within 2 days of notification for the alternative exemplar to be considered.
- (B) If an alternative exemplar is requested by the Elections Division after the 20th day after signatures are submitted for verification, the chief petitioners or the chief petitioner's designee must provide the alternative exemplar within 1 day of notification for the alternative exemplar to be considered.
- (C) The alternative exemplar must be a signature on an official government-issued document such as a driver's license or passport, and must have been executed before the date of the attempted certification of the petition signature sheet. If the certification signature matches the alternative exemplar, the petition signature sheet will be accepted. If the certification signature does not match the alternative exemplar, the petition signature sheet will be rejected for insufficient certification.
- (D) The alternative exemplar may be physically delivered to the Elections Division or may be delivered by facsimile transmission or electronic mail. If delivered by electronic mail, the document must be reproduced in .gif or .pdf format. The alternative exemplar must be received at the office of the Secretary of State not later than 5 p.m. of the day it is due.
- (6) Chief petitioners may submit alternative exemplars of petition circulators' signatures at the same time they submit petition signature sheets for signature verification. The alternative exemplar must comply with the requirements of paragraph (5)(c)(C) of this rule. When submitting alternative exemplars, chief petitioners must provide a list of circulators for whom they are submitting alternative exemplars. If no list accompanies the alternative exemplars submitted under this section, those alternative exemplars will not be accepted or used to compare the circulator's signature to the certification. If an alternative exemplar is omitted from the list, that alternative exemplar will not be accepted or used to compare the circulator's signature to the certification. Chief petitioners may still be offered the opportunity to submit alternative exemplars under paragraph (5)(c).
- (7) Alternative exemplars received and accepted by the Elections Division under paragraphs (5) and (6) of this rule, will be retained on file for two years from the date of receipt.

Stat. Auth.: ORS 246.150, 249.008, 250.105, 250.215, 250.315, 255.175

Stats. Implemented: ORS 249.008, 249.061, 249.740, 249.865, 249.875, 250.045, 250.105, 250.215, 250.315, & 255.175



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