


# State Initiative and Referendum Manual

*Published by*

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## Secretary of State


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## Using This Manual


This manual explains the requirements and procedures to qualify a statewide initiative or referendum petition for the 2022 General Election ballot.


 Failure to follow the instructions completely may invalidate the petition.

Chief petitioners may use the requirements and procedures explained in this manual, subject to change, to begin the petition process for later general elections. To ensure uniformity within a petition cycle and to avoid voter confusion, the Elections Division will only approve one petition cycle for circulation during a two-year period. The Elections Division will not give approval to circulate for the 2024 cycle until after July 8, 2022, the deadline to file signatures for the 2022 General Election.


## Icons


In this manual the following icons highlight information:

 **alert icon**  
indicates alert; warning; attention needed


 **info icon**  
indicates other information

 **deadline icon**  
indicates a deadline

 **petition sheet icon**  
indicates a reference to a signature sheet

 **example icon**  
indicates a detailed example of a concept, process or form

 **search icon**  
indicates information found elsewhere

 **form icon**  
indicates a reference to a form


## Help

If you have questions about the material covered in this manual or need further help, please contact:

Elections Division  
255 Capitol St NE, Suite 501  
Salem, OR 97310

 [elections.sos@sos.oregon.gov](mailto:elections.sos@sos.oregon.gov)  
 [www.oregonvotes.gov](http://www.oregonvotes.gov)

 **503 986 1518**  
**fax 503 373 7414**

 **1 866 673 8683**  
se habla español

**tty 1 800 735 2900**  
for the hearing impaired

## Getting Started

In 1902, voters overwhelmingly approved a ballot measure that created Oregon's initiative and referendum process. The initiative and referendum processes are methods of direct democracy that allow people to propose laws or amendments to the Oregon Constitution or to adopt or reject a bill passed by the legislature.

If chief petitioners gather and file the required number of signatures, the initiative or referendum is placed on the ballot for voters to adopt or reject at the next regularly scheduled general election, which is held in November of every even numbered year.


## Designating Chief Petitioners

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An initiative or referendum may have up to three chief petitioners who are the individuals responsible for the preparation and organization of the petition.

In Oregon, any person, acting individually or on behalf of an organization, may be a chief petitioner. Chief petitioners are responsible for:

- Filing the prospective petition;
- designating whether petition circulators will be paid or unpaid;
- establishing a petition committee prior to approval to circulate;
- educating and monitoring circulators;
- collecting signatures; and
- submitting signatures.


 Once cover and signature sheets have been approved to circulate an individual chief petitioner cannot be removed or changed. Chief petitioners that die after the petition is approved to circulate will be removed from the petition. Before cover and signature sheets are approved to circulate chief petitioners may be added or removed from the petition, as long as one original chief petitioner remains throughout the entire process. If all original chief petitioners resign, the petition is void and must be re-filed.

## Accounts


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Chief petitioners who pay any person money or other valuable consideration to obtain signatures on an initiative or referendum must electronically file detailed copies of accounts not later than the last business day of each month after any month in which circulators were paid to collect signatures. Accounts include:

- contracts between chief petitioners and any person paid for obtaining signatures;
- employment manuals or training materials;
- payroll records for each person paid for obtaining signatures on the petition;
- records of each payment made to any subcontractor obtaining signatures on the petition; and
- copies of signature sheets circulated by paid signature gatherers not filed for verification.

 If chief petitioners are unable to produce required accounts, or refuse to supply them, by the last business day of the following month chief petitioners are prohibited from obtaining more signatures on the petition until accounts are produced.


A completed form SEL 320 must be filed with each account submission. Form SEL 320 details the nature of the accounts. Accounts may be filed by chief petitioners or authorized agents.

 See OAR 165-014-0100 for account requirements; or

 Contact the Elections Division at 503 986 1518 for further details.

## Campaign Finance Reporting


Oregon campaign finance law may require chief petitioners to set up a campaign account, file a Statement of Organization designating a treasurer and file contribution and expenditure transactions with the Elections Division.

 The Elections Division will not approve cover and signature sheets for circulation until a committee has been set up. A separate petition committee must be established and transactions filed for each initiative or referendum.

For further details on campaign finance reporting requirements, review:


 The Campaign Finance Manual and the ORESTAR User’s Manuals available at [www.oregonvotes.gov](http://www.oregonvotes.gov).

## Submitting Forms and Documents





 Chief petitioners or authorized agents must mail (includes delivery service), or personally deliver signature sheets to the Elections Division.





Except for petition signature sheets, completed and signed forms or documents may be:

- scanned and emailed to Elections Division at [irrlistnotifier@sos.oregon.gov](mailto:irrlistnotifier@sos.oregon.gov);
- faxed to 503 373 7414; or
- mailed or personally delivered to 255 Capitol St NE, Ste 501, Salem, OR 97310.

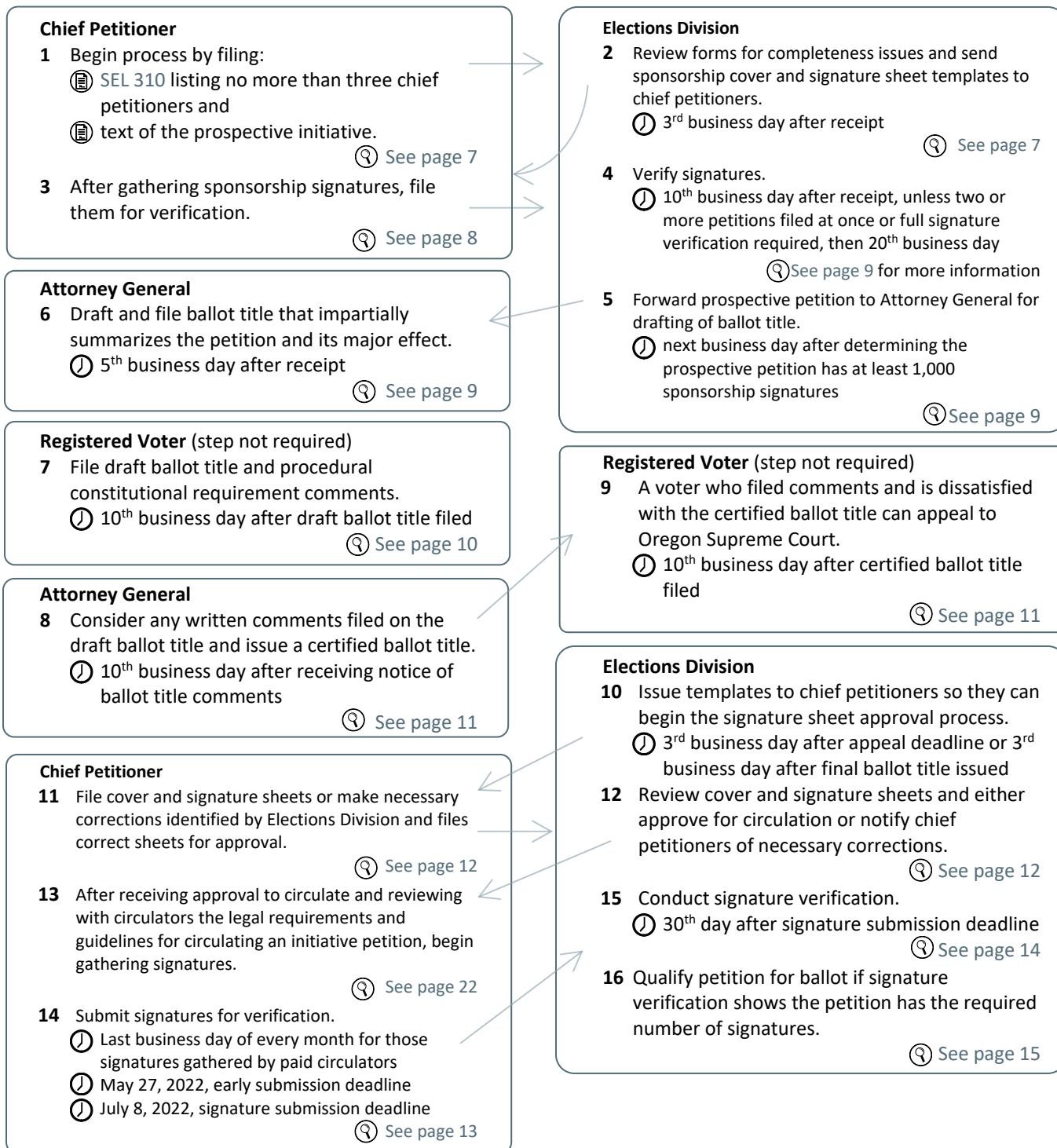
 The Elections Division will distribute all notifications and other correspondence by email unless otherwise notified by chief petitioners.

## Filing Requirements

Initiative Petitions	2022	2024
Required Signatures Constitutional (8%)	149,360	156,231
Required Signatures Statutory (6%)	112,020	117,173
 First Day to File Prospective Petition	Anytime	Anytime
 First Day of Petition Cycle Circulation	July 11, 2020	July 11, 2022
 Early Signature Submission Deadline	May 27, 2022	May 24, 2024
 Signature Submission Deadline	July 8, 2022	July 5, 2024
 Signature Verification Deadline	August 7, 2022	August 4, 2024

Referendum Petitions	2022	2024
Required Signatures (4%)	74,680	78,116
 First Day to File Prospective Petition	After bill becomes act	After bill becomes act
 Signature Submission Deadline	90 days after legislature adjourns sine die	90 days after legislature adjourns sine die
 Signature Verification Deadline	30th day after signature submission deadline	30th day after signature submission deadline
 The required number of signatures is a percentage of votes cast for governor at the 2018 General Election. The calculation includes votes cast for each candidate whose name was printed on the ballot. Write-in votes are included in the calculation however over and under votes are not.		

# Initiative Process Timeline



**i** To calculate deadlines, day one is the day after a complete and correct document is filed or the day after a document is due. If a statutory deadline falls on a Saturday, Sunday or holiday, the deadline becomes the following business day as provided for in ORS 246.021. However, constitutional deadlines that fall on a Saturday, Sunday or holiday become the previous business day.

# Initiative Process







An initiative petition is a method of direct democracy that allows any person to propose new laws, change existing laws, or amend the Oregon Constitution.

## Filing a Prospective Petition

*Oregon Constitution, Article IV, §1 and ORS 250.045*

Before gathering the 1,000 sponsorship signatures necessary to begin the ballot title drafting process, chief petitioners must file a prospective petition with the Elections Division.

### Chief Petitioners

- 1 Chief petitioners may write the text of the proposed law or constitutional amendment themselves, but they are encouraged to seek legal help.
  -  Under ORS 173.140, Legislative Counsel will help chief petitioners in drafting text of an initiative petition when:
    - 50 or more electors request their help in writing and
    - The Legislative Counsel Committee determines there is a reasonable probability that the initiative will be submitted to voters.
  -  Contact Legislative Counsel for more information at 503 986 1243.
- 2 Chief petitioners must designate no more than three people as chief petitioners and determine circulator pay status.
  -  Form [SEL 310 Prospective Petition – State Initiative or Referendum](#) must be completed and signed by all chief petitioners and designate circulator pay status. Incomplete forms will be rejected.
  -  If any information provided on form [SEL 310](#) changes, including circulator pay status, all chief petitioners must complete and sign an amended form [SEL 310](#). The form must be filed within 10 calendar days of the change.
- 3 Chief petitioners must file text of initiative petition and form [SEL 310](#) with Elections Division.
- 4 Chief petitioners must set up a campaign account and file a Statement of Organization designating a treasurer with the Elections Division.
  -  See [Campaign Finance Reporting](#) on page 4.
- 5 Chief petitioners may also authorize individuals to act on their behalf in most matters about the petition process by completing and filing:
  -  Form [SEL 307 Agent Authorization](#).

### Sponsorship Templates

After receiving the prospective initiative petition, the **Elections Division**:

- ✓ date and time stamps the prospective petition;
- ✓ reviews the forms for completeness and correctness;
- ✓ if complete and correct, assigns the petition an identification number; and
- ✓ supplies official cover and signature sheet templates.

## Gathering Sponsorship Signatures

ORS 250.045

### Chief Petitioners

- 1 Chief petitioners use the official templates provided by the Elections Division to prepare cover and signature sheets for circulation.
- 2 Chief petitioners review with circulators the legal requirements and guidelines for circulating initiative petitions.
- 3 Chief petitioners monitor circulator activities to ensure compliance.
- 4 Chief petitioners may obtain more than the required number of signatures to ensure the petition has enough valid signatures.
- 5 If the full and correct text of the prospective initiative petition is not incorporated onto the official template, then chief petitioners must ensure that a full and correct copy of the text of the prospective initiative petition is attached to signature sheets while gathering signatures. Text can be attached by staple, paperclip, tape, clipboard, or other method.



See Cover and Signature Sheets on page 23.



See Petition Guidelines and Requirements on page 22.

## Submitting Sponsorship Signatures

ORS 250.045 and OAR 165-014-0030

Sponsorship signatures must be mailed (includes delivery service) or personally delivered to the Elections Division by chief petitioners or authorized agents. Only one chief petitioner or authorized agent must be physically present if signatures are personally delivered.



Signature sheets individually mailed or delivered directly to the Elections Division by someone other than a chief petitioner or an authorized agent will not be accepted.

### Chief Petitioners or Authorized Agents

- 1 Chief petitioners or authorized agents ensure each signature sheet certification is signed and dated by the circulator.
- 2 Chief petitioners or authorized agents number each signature sheet sequentially in the space provided.
- 3 Chief petitioners or authorized agents file signature sheets having at least 100% of required number of signatures to the Elections Division for verification personally, by authorized agent, or through the US Postal Service, a parcel service, or any other delivery method.
- 4 Chief petitioners or authorized agents supply the number of signatures filed for verification by completing and filing:



Form SEL 339 Petition Submission – Initiative, Referendum, Recall, Political Party Formation.





## Verifying Sponsorship Signatures

*OAR 165-014-0030*

The Elections Division will begin verifying signatures if the petition signature sheets accepted for verification have a number of unverified signatures equal to or greater than the required number of signatures.

The Elections Division processes signature sheets filed for verification in accordance with the Statistical Sampling Procedures for State Petitions adopted under administrative rule by:

- ✓ comparing the filed cover and signature sheets to the official templates;



Petition sheets that do not comply with the legal requirements will be rejected.

- ✓ verifying sheets are numbered sequentially;



If prior to data entry the Elections Division determines that the petition has more than 100 signature sheets which are not numbered or are not sequentially numbered, chief petitioners will be promptly notified and allowed to correct the sequential numbering. The renumbering of petition sheets will only occur at the Elections Division and in full view of Elections Division team members, and observers, if asked. Should chief petitioners not correct the sequential numbering, the Elections Division will hire temporary staff to renumber the sheets on behalf of chief petitioners and will later invoice chief petitioners for the entire cost of the temporary staff.

- ✓ determining if the circulator's certification is sufficient; and
- ✓ verifying original signatures using voter registration records.



If two or more petitions are filed for verification on the same day or if all signatures are required to be verified, the Elections Division will determine the result on the 20th business day after receiving signatures.

If only one petition is filed, the Elections Division will determine result on the 10th business day.

For a second submission requiring 250 or fewer signatures the Elections Division will determine the result on the 5th business day after receiving signatures.

### **If petition has at least 1,000 sponsorship signatures the Elections Division:**

- ✓ sends the text to the Attorney General for drafting of the ballot title and
- ✓ seeks public input on whether the text of the proposed law or constitutional amendment complies with the procedural constitutional requirements for proposed initiative petitions.

**If the petition does not have at least 1,000 sponsorship signatures, chief petitioners** may make one more submission of signatures to reach the initial threshold of 1,000 signatures. If chief petitioners do not file at least 1,000 valid sponsorship signatures, the petition is void, and the chief petitioners may file a new initiative.

## Draft Ballot Title

*ORS 250.035, 250.065 and 250.067*


A ballot title is a concise and impartial statement summarizing the initiative and its major effect. It is printed on the reverse of all signature sheets used for circulation and on the ballot.

### Requirements

After receiving the text of the initiative, the Attorney General prepares a draft ballot title and files it with the Elections Division. A ballot title includes:




- a caption that does not exceed 15 words describing the subject of the petition;
- a statement that does not exceed 25 words describing the result if the petition is passed;
- a statement that does not exceed 25 words describing the result if the petition is rejected; and
- a summary that does not exceed 125 words describing the major effect of the petition.

 The Legislative Assembly may choose to enact legislation by either adopting a ballot title or supplying an alternative process for preparing a ballot title.

The Elections Division distributes notice to chief petitioners, the Legislative Assembly, and the interested party subscription service that the draft ballot title has been received and supplies the deadline for submitting written comments.

## Comments

Any registered voter may file written comments on the legal sufficiency of the draft ballot title. After the deadline to file comments, the Elections Division will send any comments received to the Attorney General for consideration when certifying the ballot title.

 Comments must be received in their entirety prior to 5 pm on the filing deadline to be considered timely.

## Procedural Constitutional Review

*Oregon Constitution, Article IV, §1, Article XVII and OAR 165-014-0028*

The Oregon Constitution established the following requirements for initiative petitions:

- must have a single subject or closely related subject;
- must include the full text; and
- must be legislative rather than administrative in nature.


### **For Initiative Petitions Relating to Constitutional Amendments Only:**

- multiple subjects that are not closely related must be voted on separately and
- the initiative must amend, rather than revise, the constitution.

## Comments

Any person may comment on whether the prospective initiative petition complies with all procedural requirements in the Oregon Constitution. After the deadline to file comments has passed and before the certified ballot title deadline, the Secretary of State:

- ✓ reviews the text of the prospective initiative petition;
- ✓ considers any procedural constitutional requirement comments;
- ✓ may receive advice from the Attorney General; and
- ✓ determines whether the prospective initiative petition complies with the requirements in the Oregon Constitution.

 The Secretary of State does not review the prospective petition for substantive constitutional or legal sufficiency.

## Appeal

Any person may file an appeal, with Marion County Circuit Court, of the Secretary's determination as to whether the prospective initiative petition complies with the procedural requirements of the Oregon Constitution.


 Any appeal must be filed no later than the 60th day following the Secretary's determination.

## Certified Ballot Title

*ORS 250.067*

After considering comments filed on the draft ballot title, the Attorney General issues a certified ballot title and files it with the Elections Division.


The Elections Division distributes notice to chief petitioners, the Legislative Assembly, and the interested party subscription service that the certified ballot title has been received and supplies the deadline to challenge the ballot title in the Oregon Supreme Court.

 If the certified ballot title has a clerical error, the Attorney General may correct the error no later than the 10th business day after the ballot title is certified. The deadline to file a petition to review the corrected ballot title is no later than the 7th business day after the ballot title is corrected.

## Ballot Title Appeal


*ORS 250.085*


A registered voter who filed timely written comments on the draft ballot title, and is dissatisfied with the certified ballot title issued by the Attorney General, may petition the Oregon Supreme Court to review the ballot title. The petition must name the Attorney General as the respondent.

 For correct procedures on filing an Oregon Supreme Court challenge, refer to the Oregon Rules of Appellate Procedure, Rule 11.30.

 Contact the Oregon Supreme Court for more information at 503 986 5555.

A registered voter who files a petition to review the certified ballot title must provide notice to the Elections Division by completing and filing:

 Form SEL 324 Notice of Ballot Title Challenge – State Initiative, Referendum, Referral.


 If this notice to the Elections Division is not timely filed, the petition to the Supreme Court may be dismissed.

## Supreme Court Review

After a petition to review the ballot title is filed, the Supreme Court conducts the review and decides whether the certified ballot title complies with the statutory requirements or does not comply with the statutory requirements. If the court decides that the certified ballot title does not comply with the statutory requirements, the Supreme Court may:

- ✓ modify the ballot title
- or
- ✓ refer it to the Attorney General for modification

Any party to the ballot title review proceeding may file an objection to the modified ballot title. If no objection is filed by the deadline, the court certifies the modified ballot title to the Elections Division. When an objection is filed timely the Supreme Court reviews the modified ballot title to determine if it complies with statutory requirements.

-  This process is repeated until a ballot title is finalized by the Supreme Court and an appellate judgment is received by the Elections Division.

## Approval to Circulate

*ORS 250.045 and 250.052*


After receiving the final ballot title, the Elections Division supplies chief petitioners official templates that must be used to prepare cover and signature sheets for circulation.

-  See [Official Template Requirements](#) on page 22.

To begin the cover and signature sheet approval process:

### Chief Petitioners

- 1 Chief petitioners may add, remove, or change chief petitioners ensuring that one original chief petitioner remains, if necessary.

-  To add, remove, or change chief petitioners, an amended form [SEL 310](#) must be filed prior to final approval to circulate.


- 2 Chief petitioners or authorized agents may request modifications of official templates, if necessary.

- 3 Chief petitioners or authorized agents use the official templates to prepare cover and signature sheets exactly as intended to circulate.

- 4 Chief petitioners ensure a campaign account has been set up and a Statement of Organization filed.

-  See [Campaign Finance Reporting](#) on page 4.

- 5 Chief petitioners or authorized agents file an exact example of cover and signature sheets to the Elections Division for approval to circulate.

-  Cover and signature sheets may only be filed for approval by chief petitioners or authorized agents.

After receiving signature sheets from chief petitioners or authorized agents, the Elections Division:

- ✓ verifies chief petitioners have set up a petition committee and filed a Statement of Organization;
- ✓ reviews cover and signature sheets for compliance with petition requirements; and

-  See [Petition Guidelines and Requirements](#) on page 22.


#### **If cover and signature sheets do not comply**

- ✓ supplies written notification of all required corrections; or

#### **If cover and signature sheets do comply**

- ✓ supplies written approval to circulate the petition that includes the number of required signatures and the last day to file signatures for verification.


-  See [Filing Requirements](#) on page 5.

 The Elections Division will not approve cover and signature sheets for circulation until a committee has been set up. A separate petition committee must be established and transactions filed for each initiative or referendum.

## Gathering Signatures

ORS 250.045

### Chief Petitioners


- 1 Chief petitioners review with circulators the legal requirements and guidelines for circulating initiative petitions.  
 See [Petition Guidelines and Requirements](#) on page 22.
- 2 Chief petitioners monitor circulator activities to ensure compliance.
- 3 Chief petitioners may obtain more than the required number of signatures to ensure the petition has enough valid signatures.

## Submitting Signatures

ORS 250.105

For each signature submission:


### Chief Petitioners or Authorized Agents

- 1 Chief petitioners or authorized agents must ensure each signature sheet certification is signed and dated by the circulator. This does not apply to e-sheets.
- 2 Chief petitioners or authorized agents must sort signature sheets by circulator. This does not apply to e-sheets.
- 3 Chief petitioners or authorized agents are encouraged to separate signature sheets into stacks of 200.
- 4 Chief petitioners or authorized agents number each signature sheet sequentially in the space provided, continuing sequentially until the SEL 339 is filed, marked completed, and signed by all chief petitioners.
- 5 Chief petitioners or authorized agents must supply the number of signatures submitted by completing and filing.  
 [Form SEL 339 Petition Submission – Initiative, Referendum, Recall, Political Party Formation.](#)


## Monthly Submission


After receiving final approval to circulate, chief petitioners that are paying circulators to gather signatures must file to the Elections Division not later than the last business day of every month all signatures gathered during the previous calendar month by all individuals paid to circulate.

Chief petitioners or authorized agents may mail (includes delivery service) or personally deliver a monthly submission of signatures to the Elections Division. Only one chief petitioner or authorized agent must be physically present if signatures are personally delivered.

 Signature sheets individually mailed or delivered directly to the Elections Division by someone other than a chief petitioner or an authorized agent will not be accepted.


In addition, chief petitioners must file all accounts related to the signatures being filed.

 See OAR 165-014-0100 for account requirements.

 Chief petitioners do not have to make monthly submissions of signatures or of detailed accounts before filing the initial 1,000 sponsorship signatures. All accounts for sponsorship signatures must be filed no later than the first regular account submission for the primary signature gathering effort.

## Monthly Submission Deadlines

2022 Election Cycle		2024 Election Cycle		
January 31, 2022	July 29, 2022	January 31, 2023	July 31, 2023	January 31, 2024
February 28, 2022	August 31, 2022	February 28, 2023	August 31, 2023	February 28, 2024
March 31, 2022	September 30, 2022	March 31, 2023	September 29, 2023	March 29, 2024
April 29, 2022	October 31, 2022	April 28, 2023	October 31, 2023	April 30, 2024
May 31, 2022	November 30, 2022	May 31, 2023	November 30, 2023	May 31, 2024
June 30, 2022	December 30, 2022	June 30, 2023	December 29, 2023	June 28, 2024

 Signatures that are not filed timely will not be accepted for verification.


### Other Submission


Chief petitioners or authorized agents for a petition that is required to make a monthly submission may include with the submission, any signatures gathered by volunteer circulators. Chief petitioners or authorized agents for a petition that is not using any paid circulators may file signatures gathered by volunteer circulators as monthly submissions or when the petition is complete.

### Completed Petition Submission

The Elections Division will not accept a petition as complete to begin verification unless chief petitioners affirm they have filed at least 100% of the required number of signatures and that they believe the petition is complete. To complete a petition:

- Chief petitioners or authorized agents file enough signatures that, when combined with the number of signatures filed for sponsorship submissions and any monthly or volunteer submissions, the total number of signatures will be at least 100% of the required number of signatures.
- Chief petitioners affirm the petition is complete by signing:

 Form SEL 339 Petition Submission – Initiative, Referendum, Recall, Political Party Formation marked completed and signed by all chief petitioners.

 Chief petitioners or authorized agents must mail (includes delivery service) or personally deliver the SEL 339 and the signatures necessary to complete the petition. Only one chief petitioner or authorized agent must be physically present if signatures are personally delivered. A petition filed by mail will only be accepted if a signed copy of the SEL 339 is included in each box.


## Verifying Signatures


*ORS 250.105 and OAR 165-014-0030*

The Elections Division will only verify signatures, other than sponsorship submissions, once chief petitioners affirm the petition is complete and if the petition signature sheets accepted for verification, combined with prior verified signatures from sponsorship submissions, have a number of verified and unverified signatures equal to or greater than the required number of signatures.

The Elections Division processes signature sheets filed for verification using the Statistical Sampling Procedures for State Petitions adopted under administrative rule by:


- ✓ comparing the submitted cover and signature sheets to the official templates;

 The Elections Division will reject unapproved petition sheets and those that do not comply with legal requirements.

- ✓ verifying sheets are numbered sequentially;
-  If prior to data entry the Elections Division determines that the petition has more than 100 signature sheets which are not numbered or are not sequentially numbered, chief petitioners will be promptly notified and allowed to correct the sequential numbering. The renumbering of petition sheets will only occur at the Elections Division and in full view of Elections Division team members, and observers, if requested. Should chief petitioners not correct the sequential numbering, the Elections Division will hire temporary staff to renumber the sheets on behalf of chief petitioners and will later invoice chief petitioners for the entire cost of the temporary staff.
- ✓ determining if the circulator's certification is sufficient; and
- ✓ verifying original signatures using voter registration records.

After signature verification is complete, the Elections Division provides to chief petitioners:

- ✓ results of signature verification;
- ✓ final number of signatures determined to be valid; and
- For petitions not qualified to the ballot**
- ✓ information on how to file additional signatures for verification if the filing deadline has not passed; or

 If the filing deadline has passed and chief petitioners did not submit enough valid signatures, the petition is void.

**For petitions qualified to the ballot**

- ✓ information on measure number assignment.

## Assigning Measure Numbers

*ORS 250.115*

The Elections Division assigns each measure a unique number that will not be repeated:

- ✓ after all petitions have been verified, typically late July or early August of even numbered years and
- ✓ in the sequence the completed initiative petitions were filed with the Elections Division for signature verification.


## Withdrawing an Initiative

*ORS 250.029*

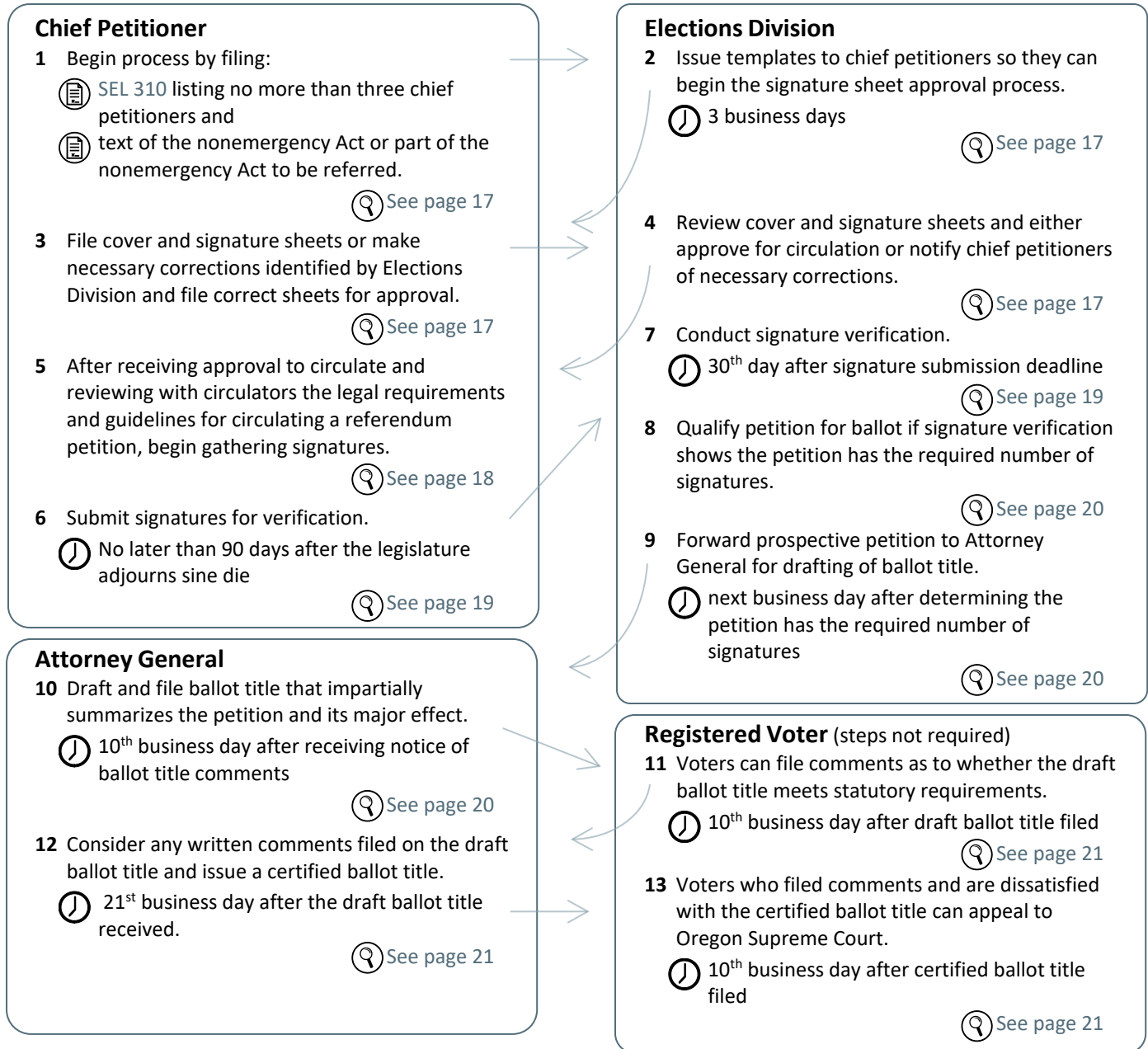
To withdraw an initiative petition, chief petitioners must complete, sign, and file:

 Form SEL 375 *Withdrawal – Petition*

The petition can only be withdrawn if chief petitioners have not filed the total number of signatures required for verification and filed the SEL 339 affirming completeness.

 Once withdrawn, the petition cannot be re-activated. Chief petitioners may re-file the initiative and begin the process again.

# Referendum Process Timeline



**i** Additional information for the timelines applicable to referendum petitions:

- A referendum may only be filed once a bill has been passed by both houses of the legislature and has either been signed by the Governor or the deadline for the Governor to veto has passed.
- During session, the timeline for the Governor to veto a bill is five weekdays (days other than Saturday or Sunday). After the legislature adjourns, the Governor has 30 weekdays to sign, veto, or allow the bill to go into law without their signature. Any bill submitted to the Governor for their signature within five weekdays of the legislature adjourning also falls into this 30-week-day window.
- Qualified referendums are voted on at the next regularly scheduled general election, unless otherwise ordered by the Legislative Assembly. The Legislative Assembly may also provide for a process that supersedes the steps outlined above.
- The bill on which a referendum petition is filed does not go into effect until it is determined the chief petitioners did not submit enough valid signatures or an election is held.



# Referendum Process






A referendum petition allows voters to adopt or reject any nonemergency Act or part of a nonemergency Act passed by the legislature that becomes law through approval or nonaction of the Governor.

## Filing a Prospective Petition

*Oregon Constitution, Article IV, §1 and ORS 250.045*

Before gathering the signatures necessary to place a referendum on the ballot, chief petitioners must file a prospective petition with the Elections Division.

### Chief Petitioners

- 1 Chief petitioners designate no more than three people as chief petitioners and determine circulator pay status.
  -  Form [SEL 310 Prospective Petition – State Initiative or Referendum](#) must be completed and signed by all chief petitioners and designate circulator pay status. Incomplete forms will be rejected.
  -  If any information provided on form [SEL 310](#) changes, including circulator pay status, all chief petitioners must complete and sign an amended form [SEL 310](#). The form must be filed within 10 calendar days of the change.
- 2 Chief petitioners file text of the nonemergency Act or part of the nonemergency Act to be referred and form [SEL 310](#) with Elections Division.
  -  A referendum petition may be filed on the entire nonemergency Act or part of the nonemergency Act. References to the Act in this manual include a part of the Act, if that is what is referred.
- 3 Chief petitioners set up a campaign account and file a Statement of Organization designating a treasurer with the Elections Division
  -  See [Campaign Finance Reporting](#) on page 4.
- 4 Chief petitioners may also authorize individuals to act on their behalf in most matters about the petition process by completing and filing:
  -  Form [SEL 307 Agent Authorization](#).

### Official Templates

After receiving the prospective referendum petition the Elections Division:

- ✓ date and time stamps the prospective petition;
- ✓ reviews the forms for completeness and correctness;
- ✓ if complete and correct, assigns the petition an identification number; and
- ✓ supplies official cover and signature sheet templates.

## Approval to Circulate

*ORS 250.045 and 250.052*

Chief petitioners must use the official templates to prepare cover and signature sheets for circulation. To begin the cover and signature sheet approval process:

## Chief Petitioners

- 1 Chief petitioners may add, remove, or change chief petitioners ensuring that one original chief petitioner remains, if necessary.



To add, remove, or change chief petitioners, an amended form SEL 310 must be filed prior to final approval to circulate.

- 2 Chief petitioners or authorized agents request modifications of official templates, if necessary;
- 3 Chief petitioners or authorized agents use the official templates to prepare cover and signature sheets exactly as intended to circulate.



See [Official Template Requirements](#) on page 22.

- 4 Chief petitioners ensure a campaign account has been set up and a Statement of Organization filed.



See [Campaign Finance Reporting](#) on page 4.

- 5 Chief petitioners or authorized agents file an exact example of cover and signature sheets to the Elections Division for approval to circulate.



Cover and signature sheets may only be filed for approval by a chief petitioner or authorized agent.

After receiving signature sheets from chief petitioners or authorized agents, the Elections Division:

- ✓ verifies chief petitioners have set up a petition committee and filed a Statement of Organization;
- ✓ reviews cover and signature sheets for compliance with petition requirements; and

### **If cover and signature sheets do not comply**

- ✓ supplies written notification of all required corrections; or

### **If cover and signature sheets do comply**

- ✓ supplies written approval to circulate the petition that includes the number of required signatures and the last day to file signatures for verification.



See [Filing Requirements](#) on page 5.



The Elections Division will not approve cover and signature sheets for circulation until a committee has been set up. A separate petition committee must be established and transactions filed for each initiative or referendum.

## Gathering Signatures

*ORS 250.045*

### Chief Petitioners

- 1 Chief petitioners review with circulators the legal requirements and guidelines for circulating referendum petitions.



See [Petition Guidelines and Requirements](#) on page 22.


- 2 Chief petitioners monitor circulator activities to ensure compliance.
- 3 Chief petitioners may obtain more than the required number of signatures to ensure the petition has enough valid signatures.



## Submitting Signatures

ORS 250.105


Chief petitioners or authorized agents must mail (includes delivery service) or personally deliver the signatures to the Elections Division for verification. Only one chief petitioner or authorized agent must be physically present if signatures are personally delivered.


 Signature sheets individually mailed or delivered directly to the Elections Division by someone other than a chief petitioner or an authorized agent will not be accepted.

The Elections Division will not accept a petition for verification unless chief petitioners affirm they have filed at least 100% of the required number of signatures and they believe the petition is complete. To complete a petition:

### Chief Petitioners or Authorized Agents

- 1 Chief petitioners or authorized agents ensure each signature sheet certification is signed and dated by the circulator. This does not apply to e-sheets.
- 2 Chief petitioners or authorized agents sort signature sheets by circulator. This does not apply to e-sheets.
- 3 Chief petitioners or authorized agents are encouraged to separate signature sheets into stacks of 200.
- 4 Chief petitioners or authorized agents number each signature sheet sequentially in the space provided.
- 5 Chief petitioners or authorized agents file signature sheets containing at least 100% of required number of signatures.
- 6 Chief petitioners affirm the petition is complete by filing:

 Form SEL 339 *Petition Submission – Initiative, Referendum, Recall, Political Party Formation* marked completed and signed by all chief petitioners.

 A petition filed by mail will only be accepted if a signed copy of the SEL 339 is included in each box.


## Verifying Signatures

ORS 250.105 and OAR 165-014-0030


The Elections Division will only verify signatures once chief petitioners affirm the petition is complete and if the petition signature sheets accepted for verification have a number of unverified signatures equal to or greater than the required number of signatures.

The Elections Division processes signature sheets filed for verification in accordance with the Statistical Sampling Procedures for State Petitions adopted under administrative rule by:

- ✓ comparing the filed cover and signature sheets to the official templates;

 The Elections Division will reject unapproved petition sheets and those that do not comply with legal requirements.

- ✓ verifying sheets are numbered sequentially;

 If prior to data entry the Elections Division determines that the petition has more than 100 signature sheets which are not numbered or are not sequentially numbered, chief petitioners will be promptly notified and allowed to correct the sequential numbering. The renumbering of petition sheets will only occur at the Elections Division and in full view of Elections Division team members. Should chief petitioners not correct the sequential numbering, the Elections Division will hire temporary staff to renumber the sheets on behalf of chief petitioners and will later invoice chief petitioners for the entire cost of the temporary staff.

- ✓ determining if the circulator's certification is sufficient; and
- ✓ verifying original signatures using voter registration records.

After signature verification has been completed, the **Elections Division provides** to chief petitioners:

- ✓ results of signature verification;
- ✓ final number of signatures determined to be valid; and

#### **For petitions not qualified to the ballot**

- ✓ information on how to file additional signatures for verification if the filing deadline has not passed; or



If the filing deadline has passed and chief petitioners did not submit enough valid signatures, the petition is void.

#### **For petitions qualified to the ballot**

- ✓ sends a copy of the text of prospective petition to the Attorney General for drafting of the ballot title; and
- ✓ information on measure number assignment.

## Assigning Measure Numbers

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*ORS 250.115*

The Elections Division assigns each measure a unique number that will not be repeated:

- ✓ after all petitions have been verified; and
- ✓ in the sequence completed petitions were filed with the Elections Division for signature verification.

## Draft Ballot Title

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*ORS 250.035, 250.065, and 250.067*

A ballot title is a concise and impartial statement summarizing the referendum and its major effect that is printed on the ballot.

### Requirements

After receiving the text of an Act to be referred the Attorney General prepares a draft ballot title and files it with the Elections Division. A ballot title includes:

- a caption that does not exceed 15 words describing the subject of the petition;
- a statement that does not exceed 25 words describing the result if the petition is passed;
- a statement that does not exceed 25 words describing the result if the petition is rejected; and
- a summary that does not exceed 125 words describing the major effect of the petition.




The Legislative Assembly may choose to enact legislation either adopting a ballot title or supplying an alternative process for preparing a ballot title.

The Elections Division distributes notice to chief petitioners, the Legislative Assembly, and the interested party subscription service that the draft ballot title has been received and supplies the deadline for submitting written comments.

## Comments

Any registered voter may file written comments on the legal sufficiency of the draft ballot title. After the deadline to file comments, the Elections Division will forward any comments received to the Attorney General for consideration when certifying the ballot title.


 Comments must be received in their entirety prior to 5 pm on the filing deadline to be considered timely.

## Certified Ballot Title

*ORS 250.067*

After considering comments filed on the draft ballot title, the Attorney General issues a certified ballot title and files it with the Elections Division.


The Elections Division distributes notice to chief petitioners, the Legislative Assembly, and the interested party subscription service that the certified ballot title has been received and supplies the deadline to challenge the ballot title in the Oregon Supreme Court.


 If the certified ballot title has a clerical error, the Attorney General may correct the error no later than the 10th business day after the ballot title is certified. The deadline to file a petition to review the corrected ballot title is no later than the 7th business day after the ballot title is corrected.

## Ballot Title Appeal

*ORS 250.085*


A registered voter who filed timely written comments on the draft ballot title and is dissatisfied with the certified ballot title issued by the Attorney General, may petition the Oregon Supreme Court to review the ballot title. The petition must name the Attorney General as the respondent.

 For correct procedures on filing an Oregon Supreme Court challenge, refer to the Oregon Rules of Appellate Procedure, Rule 11.30.

 Contact the Oregon Supreme Court for more information at 503 986 5555.

A registered voter who files a petition to review the certified ballot title must provide notice to the Elections Division by completing and filing:

 Form SEL 324 Notice of Ballot Title Challenge – State Initiative, Referendum, Referral


 If this notice to the Elections Division is not timely filed, the petition to the Supreme Court may be dismissed.

## Supreme Court Review

After a petition to review the ballot title is filed, the Supreme Court conducts the review and determines whether the certified ballot title complies with the statutory requirements or does not comply with the statutory requirements. If the court determines that the certified ballot title does not comply with the statutory requirements, the Supreme Court may:

- ✓ modify the ballot title
- or
- ✓ refer it to the Attorney General for modification.

Any party to the ballot title review proceeding may file an objection to the modified ballot title. If no objection is filed by the deadline, the court certifies the modified ballot title to the Elections Division. When an objection is filed timely the Supreme Court reviews the modified ballot title to determine if it complies with statutory requirements.

-  This process is repeated until a ballot title is finalized by the Supreme Court and an appellate judgment is received by the Elections Division.


## Withdrawing a Referendum

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To withdraw a referendum petition, chief petitioners must complete, sign, and file:

-  Form SEL 375 Withdrawal – Petition.

The petition can only be withdrawn if chief petitioners have not filed the total number of signatures required for verification and filed the SEL 339 affirming completeness.

-  Once withdrawn, the petition cannot be re-activated. Chief petitioners may re-file the referendum petition if the filing deadline has not passed.

## Petition Guidelines and Requirements

The guidelines and requirements for producing and circulating initiative and referendum cover and signature sheets are explained in the following sections.


### Official Template Requirements

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*ORS 250.045 and 250.052*

Chief petitioners must use official templates to collect signatures. Official templates include:


- a cover sheet which has chief petitioner's names, residential city and state as well as, for an initiative, this includes the final ballot title, and for a referendum, the final measure summary from the last engrossed version of the bill;
- a signature sheet with one to twenty lines, which requires the circulator to complete the certification; and
- an e-sheet, which has space for one voter to sign and does not require a circulator certification be completed;

-  Circulators are prohibited from using the e-sheet to gather signatures on any petition.

### Requested Modifications

The Elections Division must make any modifications to official templates. To request modifications to the official templates, chief petitioners or authorized agent completes and files:

-  Form SEL 323 Template Modification – Initiative and Referendum.

-  Chief Petitioners may request modification of the official templates at any time.

The Elections Division will review all requests made and supply modified templates if necessary. Multiple versions of official templates may be approved for circulation simultaneously. Allowable modifications include:

- text, margin, and line spacing adjustments;
- name, mailing address, email address, and website;
- union bug, recycle button, soy ink button, or equivalent;
- other than 10, but no more than 20, signature lines; and
- sequential numbering for internal tracking purposes.

Logos, slogans, advertisements, party affiliation, etc. or any symbol or language that may be construed as advocacy will not be allowed on the official templates.

### Required Modifications

If at any time while gathering sponsorship signatures or after receiving final approval to circulate, the residential city and state of a chief petitioner changes or the circulator pay status changes:

- 1 chief petitioners complete and file an amended form [SEL 310](#) within 10 calendar days of the change;
- 2 the Elections Division will supply revised templates to chief petitioners; and
- 3 chief petitioners must file updated cover and signature sheets prepared using the revised templates for approval.



If circulator pay status changes, once new cover and signature sheets are approved to circulate, chief petitioners will have 30 days to remove the previous version from circulation.

## Cover and Signature Sheets

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*ORS 250.045 and 250.052*

### Senate Bill 27 (2021)

Senate Bill 27 (2021) requires chief petitioners to list their residential city and state on cover sheets and e-sheets instead of their complete address. Petition sheets approved prior to the passage of SB 27 may continue to be circulated until the deadline to submit signatures has passed or approval to circulate the petition sheet is revoked. If submitted for verification, approved petition sheets which list the complete residential address of chief petitioners will not be rejected for that reason.

### Production

Chief petitioners must produce the text, e-sheet, cover sheet, and signature sheet in the following manner:

Text	E-Sheet	Cover and Signature Sheet
<ul style="list-style-type: none"> <li>✓ printed in at least 10-point type</li> </ul>	<ul style="list-style-type: none"> <li>✓ printed on at least 20-pound, uncoated white paper or equivalent</li> <li>✓ when filed for verification be on standard 8½" x 11" size paper or equivalent</li> </ul> <p><b>i</b> The size, weight and color paper requirements outlined above do not apply to any e-sheet, if from the face of the e-sheet the Elections Division can determine that the signer printed the e-sheet and had the opportunity prior to signing to review the required information.</p>	<ul style="list-style-type: none"> <li>✓ cover and signature sheets are copied or printed back-to-back on a single sheet of paper</li> <li>✓ when filed for verification be on standard 8½" x 11" size paper or equivalent</li> <li>✓ printed on at least 20-pound, uncoated paper or equivalent</li> </ul> <p><b>i</b> Upon request from the Elections Division, chief petitioners may have to provide a printer's certification that the paper they are using meets these standards.</p> <ul style="list-style-type: none"> <li>✓ only colored paper stock may be used for petition sheets gathered by paid circulators</li> </ul>

### Distribution

To facilitate circulation of approved forms chief petitioners may but are not limited to:

Distribution Method	E-Sheet Requirements	Cover and Signature Sheet Requirements
<ul style="list-style-type: none"> <li>✓ Petitioners may use paid or volunteer circulators to solicit signatures.</li> </ul>	<p>→ Circulators may not use e-sheets to gather signatures.</p>	<p>→ Each circulator must have a complete copy of the text available for signers to review unless printed on the cover sheet.</p>
<ul style="list-style-type: none"> <li>✓ Petitioners may mail to a subscription list or other interested parties</li> </ul>	<p>→ A voter needs to request a printed copy to be mailed. A complete copy of the text must be mailed with each e-sheet.</p>	<p>→ A complete copy of the text must be mailed with each cover and signature sheet</p>
<ul style="list-style-type: none"> <li>✓ Petitioners may publish on a website.</li> </ul>	<p>→ A complete copy of the text and instructions for signers to print e-sheet on at least 20-pound, 8½" x 11" uncoated white paper, or equivalent, must be published with the e-sheet.</p>	<p>→ A complete copy of the text and instructions for signers to print the cover and signature sheet back-to-back on at least 20-pound, 8½" x 11" uncoated white paper, or equivalent, must be published with the cover and signature sheet.</p>
<ul style="list-style-type: none"> <li>✓ Petitioners may email to a subscription list or other interested parties for voter to print individually at home.</li> </ul>	<p>→ A complete copy of the text and instructions for signers to print e-sheet on at least 20-pound, 8½" x 11" uncoated white paper, or equivalent, must be included in the email.</p>	<p>→ A complete copy of the text and instructions for signers to print the cover and signature sheet back-to-back on at least 20-pound, 8½" x 11" uncoated white paper, or equivalent, must be included in the email.</p>
<ul style="list-style-type: none"> <li>✓ Petitioners may insert into a publication for distribution.</li> </ul>	<p>→ Not applicable to e-sheet.</p>	<p>→ A complete copy of the text must be inserted with the cover and signature sheet.</p>

**i** To determine if petition sheets may be distributed by a method not listed, contact the Elections Division.







## Guidelines for Circulation

ORS 250.045, 260.555 and 260.558

A circulator is an individual who asks voters to sign a petition and signs the petition as a circulator. They are also called petition circulator, signature gatherer, and signature collector. While some are volunteers and others paid professionals, every circulator must follow the requirements and guidelines for circulating petitions.

To ensure compliance with legal requirements and guidelines chief petitioners must educate circulators and monitor their activities.

### Circulator Requirements



Each circulator must:	What this means:
→ Personally witness each signature collected.	✓ Watch the person sign the petition;  It is not sufficient to merely be present in the same room or vicinity.
→ Complete the circulator certification after witnessing all signatures collected on a sheet.	✓ Sign the certification using a legal signature.  A legal signature is defined as a signature having obvious and predominantly matching characteristics to signatures on file from a paid circulator's registration, signatures in the Oregon voter registration file, or the signature on an official government document.  Initials, signature stamps, illegible or printed script are not sufficient unless verified by exemplar.
→ Supply the date when the certification was signed.	✓ The date must be in month, day, year order if written in all numbers.
→ Allow any person to read the text of an initiative or referendum petition.	✓ A complete copy of text must be available for signers of an initiative or referendum to review if not printed on cover sheet.
→ If being paid to gather signatures, a circulator must register with the Elections Division.	✓ Registration must be completed and a circulator badge issued before a circulator is paid to gather any signatures.  See the <a href="#">Circulator Training Manual</a> available at <a href="http://www.oregonvotes.gov">www.oregonvotes.gov</a> .



A circulator's failure to follow these requirements may result in the rejection of the petition signature sheets and a felony conviction for the circulator.

### Circulator Prohibitions

It is against the law for circulators to knowingly:

→ circulate a petition containing a false signature;
→ attempt to obtain the signature of a person who is not qualified to sign the petition;  Only active registered voters may sign a petition.
→ make false statements to any person who signs the petition or requests information about it;
→ offer money or anything of value to another person to sign or not sign the petition;
→ sell or offer to sell signature sheets; and
→ write, alter, correct, clarify, or obscure any information about the signers unless the signer initials after the changes are made.  A circulator may help a disabled signer who requests help in completing their printed name, address and date signed. In such a case, no initials are required.



Violations of the circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or a prison sentence of up to 5 years. ORS 260.715, 260.993


## Signer Requirements

Each petition signer must:	What this means
→ Supply an original signature and should be encouraged to also supply their printed name, date signed, and address;	✓ Petition signers must sign the petition using a signature contained in their voter registration record.
→ Be an active registered voter at the time of signing the petition in the electoral district where the petition is being circulated; and	✓ Information in the voter registration record must be up to date so they would be able to vote on the petition.
→ Personally print a copy of an e-sheet or request a separate person print a copy.	✓ Petition signers may not sign an e-sheet unless they printed it themselves or requested someone else print it for them.

## Signature Date

If no date is supplied by the signer, the signature is only considered valid if the signer:


- ✓ was an active registered voter between the petition's approval to circulate date and the circulator's certification date or
- ✓ originally registered to vote on or after the date the petition's approval to circulate date and was an active registered voter between their original registration date and the circulator's certification date.

 This standard also applies to any signer that provides an ambiguous date such as a date of birth or a date that has not yet occurred at the time of verification instead of the date they signed the petition.

## Signer Prohibitions

It is against the law for signers to knowingly:


- sign another person's name under any circumstances;
- sign a petition more than one time; or
- sign a petition when not qualified to sign it.

 Only active registered voters may sign a petition. If the signer is not registered to vote or an active voter, then the signature will be rejected unless a completed registration card is received by a designated voter registration agency or elections filing officer before 5 pm the day the petition is signed or 11:59:00 pm if completed electronically online at [www.oregonvotes.gov](http://www.oregonvotes.gov).

## Certification of Signature Sheets

*OAR 165-014-0270*

After all signatures on a signature sheet have been collected, circulators complete the certification by signing their legal signature and by supplying the date when the certification was signed. A legal signature is defined as a signature having obvious and predominantly matching characteristics to signatures on file from a paid circulator's registration, signatures in the Oregon voter registration file, or the signature on an official government document.

 If additional signatures are gathered after the circulator certification has been signed and dated, the circulator must re-sign and re-date the certification.

If the circulator certification is not completed or determined to be insufficient the signature sheet will be rejected. Prior to submission to the Elections Division the circulator may correct the following defects:

### Circulator Signature Defects

If the circulator has:	Then the circulator should:
→ signed using only initials; <b>i</b> Unless verified by exemplar.	✓ re-sign and re-date certification with legal signature;
→ signed using a signature stamp; <b>i</b> Unless a signature stamp has been approved under ORS 246.025.	✓ re-sign and re-date certification with legal signature;
→ signed using an illegible signature; <b>i</b> Unless verified by exemplar.	✓ re-sign and re-date certification with legal signature;
→ photocopied or carbon copied the certification; or	✓ sign and re-date certification with legal signature; or
→ signed in a manner that the signature, printed name, and address are all illegible;	✓ re-sign and re-date certification with legal signature.

### Certification Date Defects

If the date is:	Then the circulator should:
→ missing;	✓ re-sign and date <b>or</b> date and initial correction;
→ crossed out;	✓ re-sign and re-date <b>or</b> re-date and initial correction;
→ overwritten with a different date;	✓ re-sign and re-date <b>or</b> re-date and initial correction;
→ earlier than all petition signers; <b>i</b> Does not apply if the circulator and the only signer are the same person.	✓ re-sign and re-date <b>or</b> re-date and initial correction;
→ earlier than some, but not all petition signers; <b>i</b> Only those signatures dated on or before the date of the certification will be accepted.	✓ re-sign and re-date <b>or</b> re-date and initial correction;
→ partial or ambiguous; or	✓ re-sign and re-date <b>or</b> re-date and initial correction; <b>i</b> Date must be in month, day, year order if written in all numeric characters.
→ obscured in any way by white out or other correction fluid or adhesive tape.	✓ re-sign and re-date <b>or</b> re-date and initial correction.

The following defects in the circulator certification cannot be corrected and any signature sheet submitted that has one of these defects will be rejected:

### Incurable Defects

→ the original signature of a circulator has been crossed out, and a different circulator’s signature is inserted; <b>i</b> Does not apply if the original signature is that of an individual whose signature appears on the same signature sheet as a signer.
→ two individuals sign and date as circulator; or <b>i</b> Does not apply if the only signers and the circulators are the same people
→ white-out or other correction fluid or adhesive tape appears on the signature line.

**ex** Illustrated examples of circulator signature and date defects are available in the [Circulator Training Manual](#) located at [www.oregonvotes.gov](http://www.oregonvotes.gov).



## List of Forms

### **SEL 307**

Agent Authorization

### **SEL 310**

Prospective Petition – State Initiative or Referendum

### **SEL 319**

Template Approval

### **SEL 323**

Template Modification

### **SEL 324**

Notice of Ballot Title Challenge

### **SEL 339**

Petition Submission

### **SEL 375**

Withdrawal – Petition