County, City and District Initiative and Referendum Manual

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Secretary of State
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Getting Started

This manual is intended to provide and describe an overview of county, city and district initiative and referendum processes. Except for the ballot title requirements and other mandatory state laws, some of the processes discussed for counties and cities may be superseded by local charters or ordinances. Check with your local elections official for applicable charter or ordinance provisions.

> The right of initiative and referendum is reserved only to "districts" as that term is used in subsection (5) of section 1, Article IV, Oregon Constitution. Not every district's registered voters can exercise the power of initiative or referendum. For example, voters in school districts do not have the right to initiate or refer school district legislation.

The filing officer for county initiatives and referendums is the County Elections Official. The filing officer for city initiatives and referendums is the City Elections Official. The filing officer for district initiatives and referendums is the County Elections Official of the county where the administrative office of the district is located. In this manual the County or City Elections Official is referred to as the local elections official.

This manual is not intended to provide guidelines for district formations or city incorporations. District formations are governed by ORS Chapter 198 and city incorporations are governed by ORS Chapter 221. For further information about district formation, contact the Special Districts Association of Oregon, (800) 285-5461. Nor is this manual intended to provide guidelines for county, city or district governing body referrals. That process is outlined in the County, City and District Referral Manual.

The local elections official is available to assist and answer any questions.

Icons used in this manual

alert icon

indicates alert; warning; attention needed

calendar icon

indicates a reference to calendars in this manual

deadline icon

indicates a deadline

forms icon

indicates a reference to form

info icon

indicates additional information

petition icon

indicates general petition information

petition deadline icon

indicates petition deadline

Election Calendars

2012	Mar 13	May 15	Sept 18	Nov 6
County Initiative or Referendum				
Last day chief petitioners to submit signatures for verification to qualify for this election	Dec 14, 2011	Feb 15	Jun 20	Aug 8
City Initiative or Referendum				
Last day to file qualified initiative with governing body or file signatures for verification on a referendum petition to qualify for this election	Dec 14, 2011	Feb 15	Jun 20	Aug 8
District Initiative or Referendum				
District does not hold regular district elections Last day for County Elections Official to place measure on the ballot	Jan 12	Mar 15	Jul 19	Sept 6
District holds regular district elections Last day for District Elections Authority to file Notice of Measure Election*	Jan 12	Mar 15	Jul 19	Sept 6

2013	Mar 12	May 21	Sept 17	Nov 5
County Initiative or Referendum				
Last day chief petitioners to submit signatures for verification to qualify for this election	Dec 12, 2012	Feb 20	Jun 19	Aug 7
City Initiative or Referendum				
Last day to file qualified initiative with governing body or file signatures for verification on a referendum petition to qualify for this election	Dec 12, 2012	Feb 20	Jun 19	Aug 7
District Initiative or Referendum				
District does not hold regular district elections Last day for County Elections Official to place measure on the ballot	Jan 10	Mar 21	Jul 18	Sept 5
District holds regular district elections Last day for District Elections Authority to file Notice of Measure Election*	Jan 10	Mar 21	Jul 18	Sept 5

** The election must be held no sooner than the next available election date for which the filing deadline can be met and no later than the first regular district election after the 40th day after the date of the order. The regular district election is held in May of odd numbered years.*

Local Initiative Steps

Chief Petitioner

- [ ] files a prospective petition (SEL 301, SEL 370 & text)

Local Elections Official

- [ ] reviews for compliance with constitution

  5 business days

- [ ] notifies chief petitioner of determination

  6th business day

- [ ] forward to District Attorney for Ballot Title

  6th business day

- [ ] publishes receipt of ballot title

  next available edition of newspaper

- [ ] verifies signatures

  15th day after signatures submitted

- [ ] If enough signatures are gathered, election is conducted.

Registered Voter

- [ ] may challenge determination if rejected

  7th day after determination

District Attorney or City Attorney

- [ ] writes Ballot Title

  5 business days after receipt

Registered Voter

- [ ] can appeal the ballot title or constitutional determination

  7th business day after ballot title filed

Chief Petitioner

- [ ] submits cover and signature sheets for approval

  after final ballot title issued

- [ ] gathers signatures

  after receiving approval to circulate

- [ ] submits signatures for verification

  No later than 2 years after approval to circulate

Local Referendum Steps

Chief Petitioner

- ☐ files a prospective petition (SEL 301, SEL 370 & text)
- ☐ submits cover and signature sheets for approval
- ☐ gathers signatures

after receiving approval to circulate

District Attorney or City Attorney

- ☐ writes Ballot Title

5 business days after receipt

Local Elections Official

- ☐ publishes receipt of ballot title

next available edition of newspaper

Registered Voter

- ☐ can appeal the ballot title or constitutional determination

7th business day after ballot title filed

Chief Petitioner

- ☐ submits signatures for verification

No later than the 30th day after adoption of nonemergency ordinance

- ☐ verifies signatures

15th day after signatures submitted

- ☐ If enough signatures are gathered, election is conducted.

Initiative Petition Process

Filing Prospective Initiative Petition

Oregon Constitution, Article IV, §1, Article VI, §10, ORS 250.165, 250.265 and 255.135

A prospective initiative petition consists of the text of the proposed charter or ordinance, or an amendment to an existing charter or ordinance, as well as the required forms that must be completed before filing the prospective initiative petition with the local elections official.

All forms required to file a prospective initiative petition are available online.

www.oregonvotes.org

The chief petitioners file the prospective initiative petition with the local elections official. The prospective initiative petition must include the following:

→ text of proposed measure to be initiated

Chief petitioners are encouraged to seek legal assistance when drafting the text of any measure.

→ Form SEL 301 and SEL 370 designating not more than three chief petitioners

Form SEL 301: Statement One or More/No Petition Circulators Will Be Paid (Initiative/ Referendum Only)

Form SEL 370: Prospective Petition for Local Measure

Filing of Prospective Initiative

A prospective initiative petition may be filed at any time.

Additional chief petitioners, up to a total of three, may be added before final approval of the cover and signature sheets. A letter signed by all current chief petitioners must accompany form SEL 370 when designating additional or different chief petitioners.

A chief petitioner may only resign or be replaced by another individual before final approval of the cover and signature sheets. At least one original chief petitioner must remain as a chief petitioner throughout the process. If all original chief petitioners resign, the initiative must be re-filed.

Residence addresses of the chief petitioners are printed on the cover sheet.

In addition to the required forms, chief petitioners may file forms SEL 222 and SEL 223 with the State Elections Division simultaneously to filing the prospective petition with the local elections official.

See form SEL 222: Statement of Organization for Petition Committees

See form SEL 223: Campaign Account Information

These forms are not required with the initial filing of the prospective petition. However, approval to circulate will not be given until the Statement of Organization and Campaign Account Information form have been filed with the State Elections Division.

Statement of Organization

The Statement of Organization and Campaign Account Information must be filed with the State Elections Division within 3 business days of spending or receiving any money to support the initiative effort.

See Campaign Finance Manual.

Checklist for Filing a Sufficient Prospective Initiative Petition

- ☐ The text of proposed measure to be initiated
- ☐ Form SEL 301
- ☐ Form SEL 370

Constitutional Requirements

Oregon Constitution, Article IV, §1, Article VI, §10 and ORS 250.168, 250.270 and 255.140

After receiving the prospective initiative petition the local elections official must review the text of the proposed charter or ordinance to determine whether it complies with constitutional requirements. After the review the local elections official notifies the chief petitioners of the determination.

Local Elections Official

If the text of the proposed charter or ordinance does not comply with constitutional requirements, the local elections official notifies the chief petitioners by certified mail (with return receipt requested).

Review of Prospective Petition

After receiving the prospective initiative petition the local elections official has 5 business days to review the text of the proposed charter or ordinance to determine whether it complies with constitutional requirements.

If the text of the proposed charter amendment or ordinance does comply with constitutional requirements:

1. The local elections official notifies the chief petitioners in writing that the text complies with constitutional requirements.
2. The local elections official forwards two copies of the prospective initiative petition to the District Attorney or City Attorney for preparation of the ballot title.
3. The local elections official assigns the petition an identification number.

Mail Notice

The local elections official must mail the notice that the prospective initiative petition does or does not comply with constitutional requirements no later than the 6th business day after the prospective initiative petition is filed.

Registered Voter

Any registered voter who disagrees with the local elections official's constitutional requirement determination may file a petition with the Circuit Court to review the determination.

Petition to Review Determination

If the text does not comply with the procedural constitutional requirements a petition to review the procedural constitutional requirement determination must be filed no later than the 7th business day after the written determination is made.

If the text does comply with procedural constitutional requirements a petition to review the procedural constitutional requirement determination must be filed no later than the 7th business day after the ballot title is filed with the local elections official.

Initiative Petition Process (cont.)

Ballot Title

ORS 250.035, 250.175, 250.195, 250.275, 250.296, 255.145, 255.155 and 255.215

If the local elections official determines that the proposed charter amendment or ordinance complies with constitutional requirements, the local elections official forwards two copies of the prospective initiative petition to the District Attorney or City Attorney for preparation of the ballot title.

Prospective Petition to District Attorney or City Attorney

If the text of the prospective initiative petition does comply, the local elections official forwards it to the District Attorney or City Attorney no later than the 6th business day after the prospective initiative petition is filed.

District Attorney or City Attorney

After receiving copies of the prospective initiative petition, the District Attorney or City Attorney must prepare a ballot title and file it with the local elections official. Oregon law requires that the ballot title contain all of the following elements:

- a caption that does not exceed 10 words

  The caption must reasonably identify the subject of the initiative.

- a question that does not exceed 20 words

  The question must plainly phrase the chief purpose of the initiative so that an affirmative response corresponds to a yes vote on the ballot.

  and

- a summary of the prospective initiative that does not exceed 175 words

  The summary must be concise and impartial and summarize the measure and its major effect.

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

Preparation of Ballot Title

After receiving the prospective initiative petition, the District Attorney or City Attorney has 5 business days to prepare a ballot title and file it with the local elections official.

Local Elections Official

Immediately after receiving the ballot title from the District Attorney or City Attorney the local elections official completes the ballot title process as follows:

1. The local elections official provides the chief petitioners with a copy of the ballot title.
2. The local elections official publishes a notice in the next available edition of a newspaper of general circulation in the county, city or district which includes all of the following:
   - → a statement that the ballot title has been received
   - → a statement that the prospective initiative petition complies with constitutional requirements
   - → a notice that a registered voter may file a petition to review the ballot title
   - → the deadline for filing a petition to review the ballot title with the Circuit Court

     and
   - → the ballot title provided by the District Attorney or City Attorney or information on how to obtain a copy of the ballot title

Publication of Notice

After receiving the ballot title from the District Attorney or City Attorney, the local elections official publishes a notice that the ballot title has been received in the next available edition of a newspaper of general circulation.

In addition, the notice may also be published on the county's or city's web site for a minimum of seven days.

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

Registered Voter

1. Any registered voter who is dissatisfied with the ballot title may petition the Circuit Court to review the ballot title issued by the District Attorney or City Attorney. The petition must name the District Attorney or City Attorney as the respondent. The petition must also state the reasons the title filed with the court is insufficient, not concise or unfair.
2. If a registered voter files a petition to review a ballot title with the Circuit Court, the voter must also notify the local elections official in writing that the petition has been filed.

Petition to Review Ballot Title

The deadline to file a petition to review the ballot title is no later than the 7th business day after the ballot title is filed with the local elections official.

Notification of Local Elections Official

The notice must be filed with the local elections official no later than 5pm on the first business day after the petition is filed with the Circuit Court.

If this notice to the local elections official is not timely filed, the petition to the Circuit Court may be dismissed.

Initiative Petition Process (cont.)

Circuit Court

1. After a petition to review a ballot title is filed, the Circuit Court conducts its review. The review of the ballot title by the Circuit Court shall be the first and final review.
2. After reviewing the ballot title the Circuit Court renders its decision and certifies a ballot title meeting the requirements of ORS 250.035 to the local elections official.

> The local elections official must not approve the cover and signature sheets for circulation until after the challenge period for the ballot title or, if the ballot title is challenged, after the Circuit Court order is received by the local elections official.

Prospective Initiative Petition Cover and Signature Sheets

ORS 250.165, 250.265 and 255.135

After receiving a final ballot title, the chief petitioners may begin the cover and signature sheet approval process.

The text, cover and signature sheets for a prospective initiative petition must be approved in writing by the local elections official before the chief petitioners may begin circulating the petition.

The chief petitioners must comply with specific detailed requirements when preparing their cover and signature sheets. Failure to comply with the requirements will delay the receipt of written approval to circulate.

See "Petition Text, Cover and Signature Sheet Requirements" on page 30

Chief Petitioners

After preparing the cover and signature sheets for the prospective initiative petition, the chief petitioners submit a draft to the local elections official for review. If the text of the prospective initiative is not printed on the cover sheet, a complete copy of the text must also be submitted with the draft cover and signature sheets.

If cover and signature sheets are submitted for approval by someone other than a chief petitioner, all of the chief petitioners must authorize that individual to act on their behalf by filing written consent with the local elections official before the initial review of the cover and signature sheets.

See form SEL 307: Agent Authorization Form

Local Elections Official

After receiving the text, cover and signature sheets from the chief petitioners, the local elections official reviews the sheets for compliance with the requirements for initiative petitions.

1. The local elections official contacts the State Elections Division to determine if the chief petitioners have filed a Statement of Organization. Cover and signature sheets will not be approved for circulation until the Statement of Organization and Campaign Account Information form have been filed.

   See the Campaign Finance Manual.

2. The local elections official reviews the text of the initiative petition to ensure that the text reads exactly the same and is formatted the same as the text submitted with the prospective petition. The local elections official also reviews the cover and signature sheets for compliance with the petition requirements.

   See "Petition Text, Cover and Signature Sheet Requirements" on page 30

3. The local elections official prepares and mails a written notice to the chief petitioners detailing any corrections which must be made to the text, cover or signature sheets before they can be approved for circulation.

4. Once the text, cover and signature sheets meet all of the requirements, the local elections official notifies the chief petitioners in writing of approval to circulate the initiative petition.

> The local elections official informs the chief petitioner of the number of required signatures.

Signature Requirements for Completed Petitions

ORS 250.205, 250.305 and 255.165

The number of active registered voters' signatures required to place an initiative on the ballot is based upon a percentage of the total votes cast for all candidates for Governor at the last election in which a candidate for Governor was elected to a full term or upon a percentage of registered voters at the time the prospective petition is filed.

For a County:

Not less than 6% of the total votes cast in the county for all candidates for Governor at the last election in which a candidate for Governor was elected to a full term.

> This calculation includes miscellaneous write in votes.

For a City:

Not less than 15% of the registered voters in the city at the time the prospective petition is filed.

Initiative Petition Process (cont.)

For a District:

Not less than 15% of the total votes cast in the district for all candidates for Governor at the last election in which a candidate for Governor was elected to a full term.

This calculation includes miscellaneous write in votes.

For an initiative relating to the Port of Portland, a metropolitan service district organized under ORS chapter 268, a school district with an enrollment exceeding 40,000 pupils or a mass transit district situated in a standard metropolitan statistical area with a population exceeding 400,000, other than a mass transit district measure relating to a route, schedule or fare change, not less than 6% of the total votes cast in the district for all candidates for Governor at the last election in which a candidate for Governor was elected to a full term.

This calculation includes miscellaneous write in votes.

Circulating an Initiative Petition

ORS 250.165, 250.265 and 255.135

Once the chief petitioners receive written approval of the text, cover and signature sheets from the local elections official the chief petitioners may collect the signatures needed to place the initiative on the ballot.

If the chief petitioners intend to mail cover and signature sheets to prospective signers the text must be included with each mailing.

If at any time after receiving approval to circulate the residence address of any chief petitioner changes or if the circulators pay status changes, new cover and signature sheets with the correct address must be submitted for approval.

Before collecting signatures, the chief petitioners must review with circulators the legal requirements and guidelines for circulating an initiative. Failure to comply with the legal requirements and guidelines will result in rejection of those sheets. After reviewing the legal requirements and guidelines for circulating an initiative, the chief petitioners and circulators may circulate the petition.

See "Guidelines for Circulation of Petitions" on page 33

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.

Withdrawing an Initiative

ORS 250.029

Chief Petitioners

To withdraw their initiative, chief petitioners must submit a Withdrawal of Initiative or Referendum Petition to the local elections official signed by all current chief petitioners.

See form SEL 375: Withdrawal of Initiative or Referendum Petition

Withdrawal of Initiative Petition

Chief petitioners may withdraw their initiative only prior to submitting the petition signature sheets for signature verification.

Local Elections Official

The local elections official discontinues the initiative process and forwards a copy of the withdrawal to the District Attorney or City Attorney. The chief petitioners may not reactivate the withdrawn petition.

Filing a Completed Initiative with the Local Elections Official

ORS 250.215, 250.315 and 255.175

Once the chief petitioners have collected at least the constitutionally required number of signatures to place an initiative on the ballot, the chief petitioners submit the signature sheets to the local elections official.

Chief petitioners must submit a new SEL 301, marked completed and signed by all current chief petitioners at the time signatures are submitted for verification.

See form SEL 301: Statement One or More/No Petition Circulators Will Be Paid

At least one chief petitioner must be present when signatures are submitted to the local elections official for verification. Signature sheets will not be accepted from circulators, agents, circulator companies or any other individual or entity if a chief petitioner is not physically present.

1. Before submitting the signature sheets for verification with the local elections official, the chief petitioners must number the signature sheets beginning with the number 1 and continue numbering sequentially until all sheets have been numbered.

It is the responsibility of the chief petitioners to ensure that the signature sheets are 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 165-014-0110.

See OAR 165-014-0110.

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Initiative Petition Process (cont.)

2. The chief petitioners submit sorted and numbered signature sheets for verification with the local elections official. The initiative must contain at least the required number of original signatures.
3. When submitting signature sheets the chief petitioners must include a letter stating how many signatures they purport to have.

Submission of Signatures

Signatures must be submitted to the local elections official no later than 2 years after the petition was approved to circulate.

4. Chief petitioners must report contribution and expenditure transactions electronically using the Election Division's ORESTAR system. Each financial transaction must be independently reported. *See the Campaign Finance Manual.*

Verification of Signatures

ORS 250.215, 250.315, 255.175 and OAR 165-014-0110

After receiving the signature sheets from the chief petitioners, the local elections official begins the process of signature verification to determine if the initiative contains enough valid signatures to qualify for the ballot.

The local elections official processes signature sheets submitted for verification by:

- comparing the submitted cover and signature sheets to the approved versions
- verifying that each signature sheet is signed and dated by the circulator
- verifying that each signature sheet has the approved cover sheet copied on the back

  and
- verifying the original signatures using voter registration records

If the petition requires more than 4,500 signatures a statistical sampling process must be used to determine if the petition contains enough signatures to qualify to the ballot.

See OAR 165-014-0110.

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Verification of Signatures

Signature verification must be completed no later than the 15th calendar day after signatures are submitted.

If the petition did not qualify, the chief petitioners may submit additional signatures for verification as long as the deadline to submit signatures has not passed.

Certification of Measure to Ballot

ORS 250.221, 250.325, 255.185 and 254.108

After the signature verification process has been completed and it has been determined that the initiative has enough valid signatures to qualify as a measure, the measure is processed in the following manner:

County Measure

The County Elections Official assigns a measure number based on the sequence the petitions were filed with the county for signature verification. Each measure number is preceded by a unique county prefix number. Ballot measure numbers will not be repeated.

After issuing the qualified initiative a measure number, the County Elections Official assigns the measure to the appropriate election.

To determine the date of the election for an initiative, day one is the first day after the chief petitioner submits 100% of the required number of signatures for verification.

The election shall be held on the next available election date in ORS 203.085 that is no sooner than the 90th day after the measure was filed for signature verification with the County Elections Official and for which enough signatures have been verified.

See "Election Calendars" on page 5

City Measure

Review of Initiated Measure by City Governing Body

ORS 250.325

City Elections Official

The City Elections Official files the initiated measure with the city governing body no later than the next meeting of the city governing body after determining that the initiative has qualified for the ballot.

City Governing Body

After receiving the initiated measure the governing body may either adopt or reject the initiated measure (unless the measure is required to be submitted to the voters under the city charter or state law).

Review of Qualified Initiative by City Governing Body

The deadline is no later than the 30th day after the measure is filed with the governing body.

If the governing body rejects the measure, or city charter or state law requires an election, the initiated measure must be submitted to city voters at the next available election date.

The election will be held at the next available election date that is no sooner than the 90th day after the completed initiative petition was filed with the city governing body.

See "Election Calendars" on page 5

Initiative Petition Process (cont.)

The governing body may also refer a competing measure to the ballot at the same election the initiated measure will appear.

The mayor does not have power to veto an initiated measure or a competing measure.

Preparation of Competing Measure

The competing measure must be prepared no later than the 30th day after the initiated measure is filed with the governing body.

After the governing body acts, the City Elections Official notifies the County Elections Official of the election, by filing a completed SEL 802 Notice of City Measure Election.

County Elections Official

The County Elections Official assigns a measure number. Each measure number is preceded by a unique county prefix number. Ballot measure numbers will not be repeated.

District Measure

After the signature verification process has been completed and it has been determined that the initiative has enough valid signatures to gain ballot access, the County Elections Official notifies the district elections authority.

For a district that holds regular district elections:

- → The County Elections Official notifies the district elections authority in writing that the initiative measure qualifies for the ballot.
- → The district elections authority prepares the order calling for an election on the initiative measure in a district that holds regular district elections.
- → The district elections authority files the order and a completed SEL 803 Notice of District Measure Election with the County Elections Official.

The election will be held no sooner than the next available date in ORS 255.345 for which the filing deadline may be met and no later than the first regular district election following the 40th day after the date of the order.

See "Election Calendars" on page 5

For a district that does not hold regular district elections:

The County Elections Official places the initiative measure on the ballot at the next available district election date for which the filing deadline may be met.

The election will be held at the next available election date in ORS 255.345 for which the filing deadline may be met.

See "Election Calendars" on page 5

County Elections Official

After the County Elections Official receives the order calling for the election from the district elections authority, or places the initiative measure on the ballot for a district that does not hold regular district elections, the County Elections Official assigns a measure number to the qualified measures.

Measure numbers are assigned in the sequence the petitions were filed with the county for signature verification. Each measure number is preceded by a unique county prefix number. Ballot measure numbers will not be repeated.

Referendum Petition Process

Filing Prospective Referendum Petition

ORS 250.015, 250.165, 250.205, 250.265 and 255.135

A prospective referendum petition consists of the text of the ordinance or other legislative enactment adopted by the governing body, as well as the required forms that must be completed before filing the prospective referendum petition with the local elections official.

All forms required to file a prospective referendum petition are available online.

www.oregonvotes.org

A referendum petition may be filed on an entire or a part of an ordinance or other legislative enactment. References to the ordinance in this manual include a portion of the ordinance or other legislative enactment, if that is what is referred.

The chief petitioners file the prospective referendum petition with the local elections official. The prospective referendum petition must include the following:

- → text of the ordinance as enacted by the governing body
- → Form SEL 301 and SEL 370 designating not more than three chief petitioners

See form SEL 301: Statement One or More/No Petition Circulators Will Be Paid (Initiative/ Referendum Only)

See form SEL 370: Prospective Petition for Local Measure

Filing of Prospective Petition

For a County:

A prospective referendum petition must be filed after the ordinance is adopted and signatures must be filed for verification with the elections official no later than the 90th day after the adoption of a nonemergency measure. To determine the filing deadline, day one is the first day after the measure was adopted by the governing body. If more than 90 days has passed since the ordinance was adopted changes may only be made by initiative petition.

For a City:

A prospective referendum petition must be filed after the ordinance is adopted and signatures must be filed for verification with the elections official no later than the 30th day after the adoption of a nonemergency measure. To determine the filing deadline, day one is the first day after the measure was adopted by the governing body. If more than 30 days has passed since the ordinance was adopted changes may only be made by initiative petition.

For a District:

A prospective referendum petition must be filed after the ordinance is adopted and signatures must be filed for verification with the elections official no later than the 30th day after the adoption of a nonemergency measure or no later than the 90th day after the adoption of a measure for the Port of Portland, a metropolitan service district organized under ORS chapter 268, a school district with an enrollment exceeding 40,000 pupils or a mass transit district situated in a standard metropolitan statistical area with a population exceeding 400,000, other than a mass transit district relating to a route, schedule or fare change. To determine the filing deadline, day one is the first day after the measure was adopted by the governing body. If more than 30 or 90 days has passed since the ordinance was adopted changes may only be made by initiative petition.

Additional chief petitioners, up to a total of three, may be added before final approval of the cover and signature sheets. A letter signed by all current chief petitioners must accompany form SEL 370 when designating additional or different chief petitioners.

A chief petitioner may only resign or be replaced by another individual before final approval of the referendum cover and signature sheets. At least one original chief petitioner must remain as a chief petitioner throughout the process. If all original chief petitioners resign, the referendum must be refiled.

Residence addresses of the chief petitioners are printed on the cover sheet.

In addition to the required forms, chief petitioners may file forms SEL 222 and SEL 223 with the State Elections Division simultaneously to filing the prospective petition with local elections official.

See form SEL 222: Statement of Organization for Petition Committees

See form SEL 223: Campaign Account Information

These forms are not required with the initial filing of the prospective petition. However, approval to circulate will not be given until the Statement of Organization and Campaign Account Information form have been filed with the State Elections Division.

Statement of Organization

The Statement of Organization must be filed with the State Elections Division within 3 business days of spending or receiving any money to support the referendum effort.

See the Campaign Finance Manual

Checklist for Filing a Sufficient Prospective Referendum Petition:

- ☐ The text of the ordinance as enacted by the governing body
- ☐ Form SEL 301
- ☐ Form SEL 370

Ballot Title

ORS 250.035–250.041, 250.175, 250.195, 250.275, 250.296, 255.145, 255.155 and 255.215

Upon receiving a prospective referendum petition, the local elections official assigns the petition an identification number and forwards two copies to the District Attorney or City Attorney for preparation of the ballot title.

The ballot title drafting process and the collection of signatures can occur simultaneously. Once the chief petitioners have received written approval to circulate from the local elections official the chief petitioners may begin collecting signatures. The chief petitioners are not required to wait for the ballot title before collecting signatures.

District Attorney or City Attorney

After receiving copies of the prospective referendum petition, the District Attorney or City Attorney must prepare a ballot title and file it with the local elections official. Oregon law requires that the ballot title contain all of the following elements:

→ a caption that does not exceed 10 words

The caption must reasonably identify the subject of the referendum.

→ a question that does not exceed 20 words

The question must plainly phrase the chief purpose of the referendum so that an affirmative response corresponds to a yes vote on the ballot.

and

→ a summary of the referendum that does not exceed 175 words

The summary must be concise and impartial and summarize the measure and its major effect.

Referendum Petition Process (cont.)

Preparation of Ballot Title

After receiving copies of the prospective referendum petition, the District Attorney or City Attorney has 5 business days to prepare a ballot title and file it with the local elections official.

Local Elections Official

Immediately after receiving the ballot title from the District Attorney or City Attorney the local elections official completes the ballot title process as follows:

1. The local elections official provides the chief petitioners with a copy of the ballot title.
2. The local elections official publishes a notice in the next available edition of a newspaper of general circulation in the county which includes all of the following:
   - → a statement that the ballot title has been received
   - → a notice that a registered voter may file a petition to review the ballot title
   - → the deadline for filing a petition to review the ballot title with the Circuit Court

     and
   - → the ballot title provided by the District Attorney or City Attorney or information on how to obtain a copy of the ballot title

Publication of Notice

After receiving the ballot title from the District Attorney or City Attorney, the local elections official publishes a notice that the ballot title has been received in the next available edition of a newspaper of general circulation.

In addition, the notice may also be published on the county's or city's web site for a minimum of seven days.

Registered Voter

1. Any registered voter who is dissatisfied with the ballot title may petition the Circuit Court to review the ballot title issued by the District Attorney or City Attorney. The petition must name the District Attorney or City Attorney as the respondent. The petition must also state the reasons the title filed with the court is insufficient, not concise or unfair.
2. If a registered voter files a petition to review a ballot title with the Circuit Court, the voter must also notify the local elections official in writing that the petition has been filed.

Petition to Review Ballot Title

The deadline to file a petition to review the ballot title is no later than the 7th business day after the ballot title is filed with the local elections official.

Notification of Local Election Official

The notice must be filed with the local elections official no later than 5 pm on the first business day after the petition is filed with the Circuit Court.

If this notice to the local elections official is not timely filed, the petition to the Circuit Court may be dismissed.

Circuit Court

1. After a petition to review a ballot title is filed, the Circuit Court conducts its review. The review of the ballot title by the Circuit Court shall be the first and final review.
2. After reviewing the ballot title the Circuit Court renders its decision and certifies a ballot title meeting the requirements of ORS 250.035 to the local elections official.

Referendum Petition Cover and Signature Sheets

ORS 250.165, 250.265 and 255.135

The text, cover and signature sheets for a prospective referendum petition must be approved in writing by the local elections official before the chief petitioners may begin circulating the petition.

The chief petitioners must comply with specific detailed requirements when preparing their cover and signature sheets. Failure to comply with the requirements will delay the receipt of written approval to circulate.

See "Petition Text, Cover and Signature Sheet Requirements" on page 30

Chief Petitioners

After preparing the cover and signature sheets for the prospective referendum petition, the chief petitioners submit a draft to the local elections official for review. A complete copy of the ordinance must also be submitted with the draft cover and signature sheets.

If cover and signature sheets are submitted for approval by someone other than a chief petitioner, all of the chief petitioners must authorize that individual to act on their behalf by filing written consent with the local elections official before the initial review of the cover and signature sheets.

See form SEL 307: Agent Authorization Form

Local Elections Official

After receiving the ordinance, cover and signature sheets from the chief petitioners, the local elections official reviews the sheets for compliance with the requirements for referendum petitions.

1. The local elections official contacts the State Elections Division to determine if the chief petitioners have filed a Statement of Organization. Cover and signature sheets will not be approved for circulation until the Statement of Organization and Campaign Account Information form have been filed.
2. The local elections official reviews the text of the ordinance to ensure that the text reads exactly the same and is formatted the same as the ordinance adopted by the governing body. The local elections official also reviews the cover and signature sheets for compliance with the petition requirements.

   See "Petition Text, Cover and Signature Sheet Requirements" on page 30
3. The local elections official prepares and mails a written notice to the chief petitioners detailing any corrections which must be made to the text of the ordinance, cover or signature sheets before they can be approved for circulation.
4. Once the text of the ordinance, cover and signature sheets meet all of the requirements, the local elections official notifies the chief petitioners in writing of approval to circulate the referendum petition.

The local elections official informs the chief petitioner of the number of required signatures and the last day to submit signatures collected for the referendum petition.

Referendum Petition Process (cont.)

Signature Requirements for Completed Petitions

ORS 250.205, 250.305 and 255.165

The number of active registered voters' signatures required to place an referendum on the ballot is based upon a percentage of the total votes cast for all candidates for Governor at the last election in which a candidate for Governor was elected to a full term or upon a percentage of registered voters at the time the prospective petition is filed.

For a County:

Not less than 4% of the total votes cast in the county for all candidates for Governor at the last election in which a candidate for Governor was elected to a full term.

This calculation includes miscellaneous write in votes.

For a City:

Not less than 10% of the registered voters in the city at the time the prospective petition is filed.

For a District:

Not less than 10% of the total votes cast in the district for all candidates for Governor at the last election in which a candidate for Governor was elected to a full term.

This calculation includes miscellaneous write in votes.

For an initiative relating to the Port of Portland, a metropolitan service district organized under ORS chapter 268, a school district with an enrollment exceeding 40,000 pupils or a mass transit district situated in a standard metropolitan statistical area with a population exceeding 400,000, other than a mass transit district measure relating to a route, schedule or fare change, not less than 4% of the total votes cast in the district for all candidates for Governor at the last election in which a candidate for Governor was elected to a full term.

This calculation includes miscellaneous write in votes.

Circulating a Referendum Petition

ORS 250.165, 250.205, 250.265, 250.305 and 255.135

Once the chief petitioners receive written approval of the text of the ordinance, cover and signature sheets from the local elections official, the chief petitioners may collect the signatures needed to place the referendum on the ballot.

If the chief petitioners intend to mail cover and signature sheets to prospective signers the text of the ordinance must be included with each mailing.

If at any time after receiving approval to circulate the residence address of any chief petitioner changes or if the circulators pay status changes, new cover and signature sheets with the correct address must be submitted for approval.

Before collecting signatures, the chief petitioners must review with circulators the legal requirements and guidelines for circulating a referendum. Failure to comply with the legal requirements and guidelines will result in rejection of those sheets. After reviewing the legal requirements and guidelines for circulating a referendum, the chief petitioners and circulators may circulate the petition.

See "Guidelines for Circulation of Petitions" on page 33

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.

Withdrawing a Referendum

ORS 250.029

Chief Petitioners

To withdraw their referendum chief petitioners must submit a Withdrawal of Initiative or Referendum Petition to the local elections official signed by all current chief petitioners.

See form SEL 375: Withdrawal of Initiative or Referendum Petition

Withdrawal of Referendum Petition

Chief petitioners may withdraw their referendum only prior to submitting the petition signature sheets for signature verification.

Local Elections Official

The local elections official discontinues the referendum process and forwards a copy of the withdrawal to the District Attorney or City Attorney. The chief petitioners may not reactivate the withdrawn petition.

Referendum Petition Process (cont.)

Filing a Completed Referendum with the Local Elections Official

ORS 250.215, 250.315 and 255.175

Once the chief petitioners have collected at least the required number of signatures to place a referendum on the ballot, the chief petitioners submit the signature sheets to the local elections official.

Chief petitioners shall submit a new SEL 301, marked completed and signed by all current chief petitioners, at the time signatures are submitted for verification.

See form SEL 301: Statement One or More/No Petition Circulators Will Be Paid

At least one chief petitioner must be present when signatures are submitted to the local elections official for verification. Signature sheets will not be accepted from circulators, agents, circulator companies or any other individual or entity, if a chief petitioner is not physically present.

1. Before submitting the signature sheets for verification with the local elections official, the chief petitioners must number the signature sheets beginning with the number 1 and continue numbering sequentially until all sheets have been numbered.

It is the responsibility of the chief petitioners to ensure that the signature sheets are 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 165-014-0110.

See OAR 165-014-0110

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2. The chief petitioners submit sorted and numbered signature sheets for verification with the local elections official. The referendum must contain at least the constitutionally required number of original signatures.
3. When submitting signature sheets the chief petitioners must include a letter stating how many signatures they purport to have.

Submission of Signatures

For a County:

Signatures must be filed for verification with the local elections official no later than the 90th day after the adoption of a non-emergency measure.

For a City:

Signatures must be filed for verification with the local elections official no later than the 30th day after the adoption of a non-emergency measure.

For a District:

Signatures must be filed for verification with the local elections official no later than the 30th day after the adoption of a non-emergency measure or no later than the 90th day after the adoption of a measure for the Port of Portland, a metropolitan service district organized under ORS chapter 268, a school district with an enrollment exceeding 40,000 pupils or a mass transit district situated in a standard metropolitan statistical area with a population exceeding 400,000, other than a mass transit district relating to a route, schedule or fare change.

4. Chief petitioners must report contribution and expenditure transactions electronically using the Elections Division's ORESTAR system. Each financial transaction must be independently reported.

   See the Campaign Finance Manual.

Verification of Signatures

ORS 250.215, 250.315, 255.175 and OAR 165-014-0110

After receiving the signature sheets from the chief petitioners, the local elections official begins the process of signature verification to determine if the referendum contains enough valid signatures to qualify for the ballot.

The local elections official processes signature sheets submitted for verification for each referendum by:

- comparing the submitted cover and signature sheets to the approved versions
- verifying that each signature sheet is signed and dated by the circulator
- verifying that each signature sheet has the approved cover sheet copied on the back

  and
- verifying the original signature using voter registration records

If the petition requires more than 4,500 signatures a statistical sampling process must be used to determine if the petition contains enough signatures to qualify to the ballot.

See OAR 165-014-0110

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Signature Verification

Signature verification must be completed no later than the 15th calendar day after signatures are submitted for verification.

If the petition did not qualify, the chief petitioners may submit additional signatures for verification as long as the deadline to submit signatures has not passed.

Certification of Measure to Ballot

ORS 250.221, 250.355, 254.108 and 255.185

After the signature verification process has been completed and it has been determined that the referendum has enough valid signatures to qualify as a measure, the measure is processed in the following manner:

County Measure

The County Elections Official assigns a measure number based on the sequence the petitions were filed with the county for signature verification. Each county measure number is preceded by a unique county prefix number. Ballot measure numbers will not be repeated.

After issuing the qualified referendum a measure number, the County Elections Official assigns the measure to the appropriate election.

To determine the date of the election for a referendum, day one is the first day after the chief petitioner submits 100% of the required number of signatures for verification.

The election shall be held on the next available election date in ORS 203.085 that is no sooner than the 90th day after the measure was filed for signature verification with the County Elections Official and for which enough signatures have been verified.

See "Election Calendars" on page 5

Referendum Petition Process (cont.)

City Measure

City Elections Official

After the signature verification process has been completed and it has been determined that the referendum has enough valid signatures to qualify as a city measure, the City Elections Official notifies the County Elections Official, by filing a completed SEL 802 Notice of City Measure Election.

County Elections Official

The County Elections Official assigns a measure number. Each measure number is preceded by a unique county prefix number. Ballot measure numbers will not be repeated.

The election will be held at the next available election date which is no sooner than the 90th day after the referendum petition was filed with the City Elections Official.

See "Election Calendars" on page 5

District Measure

After the signature verification process has been completed and it has been determined that the referendum has enough valid signatures to gain ballot access, the County Elections Official notifies the district elections authority.

For a district that holds regular district elections:

- → The County Elections Official notifies the district elections authority in writing that the referendum measure qualifies for the ballot.
- → The district elections authority prepares the order calling for an election on the referendum.
- → The district elections authority files the order and a completed SEL 803 Notice of District Measure Election with the County Elections Official.

The election will be held no sooner than the next available date in ORS 255.345 for which the filing deadline may be met and no later than the first regular district election following the 40th day after the date of the order.

See "Election Calendars" on page 5

For a district that does not hold regular district elections:

The County Elections Official places the referendum measure on the ballot at the next available district election date for which the filing deadline may be met.

The election will be held at the next available election date in ORS 255.345 for which the filing deadline may be met.

See "Election Calendars" on page 5

County Elections Official

After the County Elections Official receives the order calling for the election from the district elections authority, or places the referendum measure on the ballot for a district that does not hold regular district elections the County Elections Official assigns a measure number to the qualified measures.

Measure numbers are assigned in the sequence the petitions were filed with the county for signature verification. Each measure number is preceded by a unique county prefix number. Ballot measure numbers will not be repeated.

Guidelines and Requirements for Petitions

Petition Text, Cover and Signature Sheet Requirements

Oregon Constitution, Article IV, §1, ORS 250.165, 250.175, 250.265, 250.275, 255.135 and 255.145

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

If at any time after approval to circulate the residence address of any chief petitioner changes or if the circulators pay status changes, new cover and signature sheets must be submitted for approval.

Logos, slogans, advertisements, party affiliation, etc. or any symbol or language which may be construed as advocacy is not permitted on any text, 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 must include all of the following:

- ☐ printed words across the top of the cover sheet that identify the type of petition e.g. City Initiative Petition
- ☐ the certified ballot title for the initiative or the title of the measure as enacted by the local governing body or, if there is no title, the title supplied by the chief petitioners for the referendum
- ☐ names and residence addresses of all chief petitioners as designated on form SEL 370

  See form SEL 370: Prospective Petition For Local Measure

  and

- ☐ the instructions to the petition circulators and signers

  The instructions must read exactly as they appear on form SEL 370.

The chief petitioners may also include the name and mailing address of the political committee sponsoring the petition.

Signature Sheet Requirements

- [ ] Form SEL 371 or SEL 373

  These forms may be recreated by the chief petitioners but must appear the same as the original form.

Each signature sheet for a petition must have a cover sheet copied on the back and include all of the following:

- [ ] a notice stating Some Circulators For This Petition Are Being Paid, if one or more persons will be paid for obtaining signatures on the petition
- [ ] the sentence "It is unlawful to sign a petition more than one time."
- [ ] the petition identification number
- [ ] statement that signers must initial any changes that the circulator makes to their printed name, residence address or date they signed the petition
- [ ] caption of the final ballot title for the initiative or the number of the ordinance being referred, if any, and the date it was adopted by the county, city or district governing body for the referendum
- [ ] a space for placing the signature sheet number
- [ ] petition circulator's certification stating that the circulator witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet, that the circulator believes each signer is a qualified voter in the county/city/district, and that any compensation received was not based on the number of signatures obtained
- [ ] area for providing date when circulator signed certification
- [ ] area for placing County Elections Official's certification

  and

- [ ] ten signature lines unless a variation is approved by the local elections official

Each signature line must include fields for:

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

See form SEL 371: Petition for Local Initiative/ Referendum Measure Signature Sheet (no circulators for this petition are being paid)

See form SEL 373: Petition for Local Initiative/ Referendum Measure Signature Sheet (some circulators for this petition are being paid)

Guidelines and Requirements for Petitions (cont.)

Format Requirements for Text, Cover and Signature Sheets

Text, cover and signature sheets must meet the following formatting requirements:

- ☐ standard 8 ½ x 11 size paper
- ☐ at least 20 pound (weight) uncoated paper

  Upon request from the local elections official, the chief petitioners may be called upon to provide a printer's certification that the paper they are using is uncoated.

  and

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

All paper must be approved by the local elections official prior to circulation (coated paper and newsprint will not be approved).

Size and style of type must be deemed readable and approved in writing by the local elections official. However, the text must be printed in at least 10-point type.

Text, cover and signature sheets must be submitted for approval exactly as intended to circulate, including weight, style and color of paper with cover and signature sheet back to back.

Any proposed variation to approved text, cover or signature sheets must be resubmitted and approved in writing by the local elections official before circulating.

Signatures collected on unapproved cover and signature sheets will be rejected.

Guidelines for Circulation of Petitions

ORS 250.165, 250.265, 255.135, 260.555 and 260.558

It is very important for chief petitioners to 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 and a felony conviction for the circulator. To ensure compliance with the circulating requirements the chief petitioners must educate their circulators and monitor their activities.

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 Circulator

Each petition circulator:

- must carry at least one full and correct copy of the text of the initiative or referendum and must allow any person to review the text upon request
- must personally witness all signatures the circulator collects
- must personally sign their legal signature on the petition circulator's certification with a minimum of a first name initial and full last name
- must provide the date when the certification was signed and should not collect any additional signatures on that sheet after dating the certification

  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 Circulator Certification" on page 38.

- 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 anything of value to another person to sign or not sign a petition
- must not sell or offer to sell signature sheets
- may alter, correct, clarify or obscure any information about the petition signer on the signature sheet, only if the petition signer initials after the changes are made

  A circulator may assist a disabled signer who requests assistance in completing their printed name, address and date signed. Otherwise, only a signer may complete the optional information about themselves. This does not prevent the chief petitioners from placing a line through an entire signature line prior to submission of signatures for verification.

- may be paid to obtain signatures on any petition, but must not accept compensation based on the number of signatures obtained

Guidelines and Requirements for Petitions (cont.)

Petition Signer

Each petition signer must be an active registered voter in the county, city or district at the time of signing the petition or the person's signature will not be counted.

Signers are only required to provide a signature. A voter's printed name, residence address and date they signed the petition are not mandatory under Oregon law. These information fields, while optional for the signer, provide valuable assistance to elections officials who perform the signature verification. 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. If no date is provided by the voter, the signatures are considered valid only if the voter was an active registered voter during the period beginning the date the petition was approved for circulation through the date of filing the petition for signature verification.

Circulators are advised to encourage signers to complete the optional information whenever possible. Circulators are prohibited from completing the optional information for signers, unless the signer is disabled and requests assistance.

Signing a petition and filling out a voter registration card, or updating their voter registration information at the same time, is not sufficient to make the petition signature valid unless the completed card is received by a designated voter registration agency or an elections 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 local elections official verifies that each signature sheet has a sufficient circulator certification. The following criteria, as adopted in OAR 165-014-0270, are used to determine what constitutes a sufficient or insufficient circulator certification.

See "OAR 165-014-0270 Circulator Certification" on page 38

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

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 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
- 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
- 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 voter's signatures

Definitions

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

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.

All state and local candidates file their Statement of Organization and contribution and expenditure transactions with the Secretary of State, Elections Division. A local candidate should check with their local jurisdiction (e.g. a city or county) as it may adopt ordinances that require a committee to also file campaign finance transactions with the local jurisdiction.

Business Days

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

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.

Circulator

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

Committee

A political committee or a chief petitioner committee.

Completed Petition

The prospective initiative or referendum petition where the chief petitioners have submitted 100% of the signatures required for verification

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

OAR

Oregon Administrative Rules.

ORS

Oregon Revised Statutes.

Petition Committee

A committee formed by the chief petitioners of an initiative, referendum or recall petition. A petition committee may be designated to support only one initiative, referendum, or recall petition. A petition committee is not a political committee.

Prospective Petition

The information and filing forms, except signatures and other identification of petition signers, required to be contained in a completed petition.

Referral

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

Referendum Petition

A petition by voters 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.

Text

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

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 resign;

(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.

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) If the circulator is required to be registered under ORS 250.048 Section 2 the Elections Division will compare the certification signature only to the circulator's signature supplied by the circulator on the circulator's SEL 308, Circulator Registration. If the certification signature matches the signature on the SEL 308 that was in effect at the time that the signature sheet was certified, the petition signature sheet will be accepted. If the certification signature does not match the signature on the SEL 308 that was in effect at the time that the signature sheet was certified, the petition signature sheet will be rejected for insufficient certification. A certification signature may consist at a minimum of a first name initial and full last name and still be accepted even if the signature on the circulator's most recent SEL 308 contains a full first name and full last name.

(b) For circulators not required to be registered under ORS 250.048, the Elections Division will 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.

(c) If the circulator is not required to be registered under ORS 250.048 and 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.

(d) If the circulator is not required to be registered under ORS 250.048 and 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.

OAR 165-014-0270 Circulator Certification (cont.)

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

Forms

SEL 222
Statement of Organization for Petition Committee

SEL 223
Campaign Account Information

SEL 301
Statement One or More/No Petition Circulators Will Be Paid (initiative/referendum only)

SEL 307
Agent Authorization Form

SEL 370
Prospective Petition for Local Measure

SEL 371
Petition for Local Initiative/Referendum Measure Signature Sheet (no circulators for this petition are being paid)

SEL 373
Petition for Local Initiative/Referendum Measure Signature Sheet (some circulators for this petition are being paid)

SEL 375
Withdrawal of Initiative or Referendum Petition

Secretary of State Elections Division | 255 Capitol St. NE, Suite 501, Salem, OR 97310 | p. 503.986.1518 | f. 503.373.7414 | www.oregonvotes.org

Statement of Organization for Petition Committee

SEL 222
rev 1/12

Filing a New Committee: This form, **along with the Campaign Account Information Form (SEL 223)**, must be completed and filed within 3 business days of first receiving a contribution or making an expenditure, and no later than the date the petition is approved for circulation. The "Original" box should be marked.

Chief Petitioners: A petition committee must list all chief petitioners of the petition. A recall committee may only have one chief petitioner.

Amending Information on this Form: Any change in the information on this form must be filed **within 10 days** of the change. To notify the Elections Division of a change in information, submit this form, completed in its entirety, and mark the "Amendment" box. A newly appointed treasurer must be a signer on the campaign account, therefore an amended SEL 223 must also be filed.

Discontinuing: The treasurer may discontinue the committee by disclosing all transactions that achieve a zero cash balance and filing a completed SEL 222 with the "Discontinuation" box marked. Discontinuation of a state initiative or referendum petition committee prior to the deadline for submitting signatures for verification can occur only if the petition is withdrawn.

Note: Prior to discontinuing a committee must file a Notice of Intent to Discontinue (form SEL 224) either electronically using ORESTAR or by filing form SEL 224 with the Elections Division.

Please type or print legibly in black or blue ink

This filing is an: ○ **Original** ○ **Amendment** ○ **Discontinuation**

Committee Information

Name of Committee (if changing the committee name, please include the former name) | **Abbreviation or Acronym**

Committee Address (no post office box) | **City** | **State** | **Zip Code**

Campaign Phone

Treasurer Information

Name of Treasurer
○ **Mr.** ○ **Ms.**

Mailing Address for Treasurer Correspondence | **City** | **State** | **Zip Code**

Work Phone | **Home Phone** | **Fax** | **Email Address** (required)

Chief Petitioner Information (a recall committee may only have one chief petitioner)

1
Name of Chief Petitioner | **Work Phone Number** | **Fax Number**

Address | **City** | **State** | **Zip Code**

2
Name of Chief Petitioner | **Work Phone Number** | **Fax Number**

Address | **City** | **State** | **Zip Code**

3
Name of Chief Petitioner | **Work Phone Number** | **Fax Number**

Address | **City** | **State** | **Zip Code**

continued on the reverse side of this form

Alternate Transaction Filer Information (optional)

Name of Alternate Transaction Filer (must be someone other than treasurer)

○ **Mr.** ○ **Ms.**

Mailing Address for Alternate Transaction Filer	**City**	**State**	**Zip Code**

Email Address (required if listing an Alternate Transaction Filer)	**Work Phone**

Type of Petition Committee (mark both type of petition **and** jurisdiction)

Type of Petition: ○ **Initiative** ○ **Referendum** ○ **Recall**

Jurisdiction: ○ **State** ○ **County** ○ **City** ○ **Special District**

Additional Information

Date Prospective Petition Filed (mm/dd/yy) (only required for a local petition)

Date of Election (mm/dd/yy) (only required for state petition)

Subject or Ballot Title of Petition/Name of Public Official for Recall
(including office, position number, if applicable, and the district, county, or city)

SEL 223

Attached is a Campaign Account Information Form (SEL 223) ○ **Yes** ○ **No**

By signing this document I acknowledge that I am personally liable for any penalties imposed under ORS Chapter 260 and attest that the information on the form is true and correct.

Treasurer's Signature **Date Signed**

For Office Use Only

Initials Committee ID Number

Secretary of State Elections Division | 255 Capitol St. NE, Suite 501, Salem, OR 97310 | p. 503.986.1518 | f. 503.373.7414 | www.oregonvotes.org

Campaign Account Information

SEL 223

rev 1/12: ORS 260.039, ORS 260.042

Filing a New Committee: This form, **along with the appropriate Statement of Organization form (SEL 220, 221 or 222)**, must be completed and filed within 3 business days of first receiving a contribution or making an expenditure. The "Original" box should be marked on both forms.

Amending Information on this Form: Any change in the information on this form must be filed **within 10 days** of the change. To notify the filing officer of a change in information, submit this form, completed in its entirety, and mark the "Amendment" box. An amended SEL 220, 221 or 222 should not be filed unless the information on that form also changes.

Discontinuing: A committee may discontinue by disclosing all transactions that achieve a zero cash balance by filing a completed SEL 200, 221 or 222 with the "Discontinuation" box marked. It is not necessary to submit this form when discontinuing a committee.

Confidentiality: The SEL 223 and any information it contains is exempt from public records disclosure and shall be kept confidential by the Elections Division.

→ ***Please type or print legibly in black or blue ink***

This filing is an: ○ **Original** ○ **Amendment**

Committee Information

Name of Committee (if changing the committee name, please include the former name)

Name of Oregon Financial Institution

Account Number | **Name of Account** (must be identical to name of committee)

Name of Account Holder

Names of Persons Who Have Signature Authority

_____

_____

_____

_____

By signing this document I attest that the above information is true and correct.

Candidate's Signature (for Candidate Committee only) **Date Signed**

Treasurer's Signature **Date Signed**

Important
The information on this form is exempt from public records disclosure and shall be kept confidential by the Elections Division

For Office Use Only

Initials Committee ID Number

SEL 301: Statement One or More Petition Circulators Will be Paid

rev 1/12: ORS 250.045, ORS 250.165, ORS 255.165, ORS 255.135

○ **Prospective Petition** initial filing with filing officer

I/We hereby declare one or more petition circulators will be paid money or other valuable consideration for obtaining signatures of active registered voters on the attached petition. I/We understand the filing officer must be notified not later than the 10th day after I/we first have knowledge or should have had knowledge that no petition circulator will be compensated for obtaining signatures. By signing this document, I hereby state that no circulators will be compensated on this petition based on the number of signatures obtained by the circulator.

○ **Completed Petition** signatures submitted to filing officer

By signing this document, I hereby state that no circulators have been compensated on this petition based on the number of signatures obtained by the circulator.

Identify Petition

Signed **Date Signed**

Signed **Date Signed**

Signed **Date Signed**

→ ***Statement must be signed by all chief petitioners for an initiative or referendum petition.***

Warning
Supplying false information on this form may result in conviction of a felony with a fine of up to $125,000 and/or prison for up to 5 years.

SEL 301: Statement No Petition Circulators Will be Paid

rev 1/12: ORS 250.045, ORS 250.165, ORS 255.165, ORS 255.135

○ **Prospective Petition** Initial Filing with Filing Officer

I/We hereby declare no petition circulators will be paid money or other valuable consideration for obtaining signatures of active registered voters on the attached petition. I/We understand the filing officer must be notified not later than the 10th day after I/we first have knowledge or should have had knowledge that any petition circulator will be compensated for obtaining signatures. By signing this document, I hereby state that no circulators will be compensated on this petition.

○ **Completed Petition** Signatures Submitted to filing officer

By signing this document, I hereby state that no circulators were compensated for obtaining signatures on the attached petition.

Identify Petition

Signed **Date Signed**

Signed **Date Signed**

Signed **Date Signed**

→ ***Statement must be signed by all chief petitioners for an initiative or referendum petition.***

Warning
Supplying false information on this form may result in conviction of a felony with a fine of up to $125,000 and/or prison for up to 5 years.

Agent Authorization Form

SEL 307
rev 1/12: ORS 250.052

Filing a New Agent Authorization Form: This form may be used by the chief petitioners of an initiative or referendum petition or the chief sponsor of a recall petition. It will allow anyone named by all current chief petitioners or the chief sponsor to act on their behalf in matters regarding the petition process, with the exception of filing signatures for verification. All chief petitioners must sign the same authorization form.

Amending Information on this Form: To authorize additional or different agents the chief petitioners of an initiative or referendum petition or the chief sponsor of a recall petition must file an amended form within 10 days of the change. To notify the filing officer of a change in information, submit this form, completed in its entirety and signed by all current chief petitioners or the chief sponsor.

Withdrawal of Initiative or Referendum Petition: It is not necessary to submit this form when withdrawing a petition.

This filing is an: ○ **Original** ○ **Amendment**

Petition and Chief Petitioner/Sponsor Information

Name of Petition or Petition Number

Name of Chief Petitioner

Name of Chief Petitioner/Sponsor

Name of Chief Petitioner

Names of Persons Who are Authorized Agents

By signing this document I attest that the above named agents are authorized to act on my behalf.

Chief Petitioner/Sponsor Signature **Date Signed**

Chief Petitioner Signature **Date Signed**

Chief Petitioner Signature **Date Signed**

For Office Use Only

Prospective Petition for Local Measure

SEL 370
rev 1/12: ORS 250.045
250.265, 250.265, 255.135

To the County Elections Filing Officer/City Recorder (Auditor),
We, the undersigned, request the ○ **District Attorney** ○ **City Attorney** (*choose one*) prepare a ballot title for the attached proposed measure to be submitted to the people of _____ (*name of county/city/district*).

Type of Petition

○ **Initiative Petition** ○ **Referendum Petition**

Designating Chief Petitioners

Every petition must designate not more than three persons as chief petitioners, setting forth the name, residence address and title (if officer of sponsoring organization) of each. All chief petitioners for an initiative or referendum petition must sign this form. Please carefully read the instructions for circulators and signers on the back of this form.

Chief Petitioner Information

1

Name print		**Signature**
Residence Address, Street/Route		
City	**State**	**Zip Code**
Mailing Address if different, **Street/Route**		
City	**State**	**Zip Code**
Email Address and/or Website	**Day Phone Number**	**Sponsoring Organization** if any

2

Name print		**Signature**
Residence Address, Street/Route		
City	**State**	**Zip Code**
Mailing Address if different, **Street/Route**		
City	**State**	**Zip Code**
Email Address and/or Website	**Day Phone Number**	**Sponsoring Organization** if any

3

Name print		**Signature**
Residence Address, Street/Route		
City	**State**	**Zip Code**
Mailing Address if different, **Street/Route**		
City	**State**	**Zip Code**
Email Address and/or Website	**Day Phone Number**	**Sponsoring Organization** if any

Instructions for Circulators

- → Only active registered voters of the county, city or district may sign a petition.
- → It is advisable to have signers use a pen for signing petitions or for certifying petitions.
- → Only one circulator may collect signatures on any one sheet of a petition.
- → Each circulator must personally witness all signatures the circulator collects.
- → Circulators shall not cause to be circulated a petition knowing it to contain a false signature.
- → Circulators shall not knowingly make any false statement to any person who signs it or requests information about it.
- → Circulators shall not attempt to obtain the signature of a person knowing that the person is not qualified to sign it.
- → Circulators shall not offer money or any thing of value to another person to sign or not sign a petition.
- → Circulators shall not sell or offer to sell signature sheets.
- → Circulators shall not write, alter, correct, clarify or obscure any information about the signers unless the signer is disabled and requests assistance or the signer initials after the changes are made.
- → Circulators shall not accept compensation to circulate a petition that is based on the number of signatures obtained.

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.

Instructions for Signers

- → Only active registered voters of the county, city or district may sign a petition. Sign your full name, as you did when you registered to vote.
- → Please fill in the date on which you signed the petition, your printed name and your residence address in the spaces provided. Only signers may complete their optional information.
- → Initial any changes that you or the circulator makes to your printed name, residence address or date on which you signed the petition.
- → It is advisable to use a pen for signing petitions.
- → It is unlawful to sign any person's name other than your own. Do not sign another person's name under any circumstances.
- → It is unlawful to sign a petition more than once.
- → It is unlawful for a person to knowingly sign a petition when the person is not qualified to sign it.

Petition for Local ○ Initiative ○ Referendum Measure Signature Sheet

Petition ID _____

No circulators for this petition are being paid. It is unlawful to sign a petition more than one time.

This is a local petition. Signers of this page must be active registered voters of the jurisdiction at the time of signing.

To the County Elections Filing Officer/City Recorder (Auditor), County/City/District of: _____

We, the undersigned voters, request this measure to be submitted to the residents of the county/city/district for their approval or rejection.
A full and correct copy of this measure was made available for review and I have not previously signed a petition sheet for this measure.

Insert Caption of Ballot Title or Number of Ordinance/Resolution and Date Adopted

→ Signers must initial any changes that they or the circulator makes to their printed name, residence address or date they signed the petition

	Signature	**Date Signed** mm/dd/yy	**Print Name**	**Residence Address** street, city, zip code
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Circulator Certification This certification **must** be signed by the circulator!

You should not collect any additional signatures on this sheet once you have signed and dated the certification!
I hereby certify that I witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet, and I believe each person is a qualified voter in the county/city/district. (ORS 250.165, 250.265, 255.135, 198.750, 221.031) I also hereby certify that I have received no compensation for these signatures.

Circulator Signature _____ **Date Signed** mm/dd/yy

Printed Name of Circulator _____ **Circulator's Address** street, city, zip code

County Elections Official Certification

I hereby certify _____ signatures on this petition are those of active registered voters in _____ County/City/District of Oregon.

Signature of County Elections Official _____ **Date Certified** mm/dd/yy

Sheet Number _____

Petition for Local ○ Initiative ○ Referendum Measure Signature Sheet

Petition ID _____

Some circulators for this petition are being paid. It is unlawful to sign a petition more than one time.

This is a local petition. Signers of this page must be active registered voters of the jurisdiction at the time of signing.

To the County Election Filing Officer/City Recorder (Auditor), County/City District of: _____ ,

We, the undersigned voters, request this measure to be submitted to the residents of the county/city/district for their approval or rejection. A full and correct copy of this measure was made available for review and I have not previously signed a petition sheet for this measure.

Insert Caption of Ballot Title or Number of Ordinance/Resolution and Date Adopted

→ Signers must initial any changes that they or the circulator makes to their printed name, residence address or date they signed the petition.

	Signature	**Date Signed** mm/dd/yy	**Print Name**	**Residence Address** street, city, zip code
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Circulator Certification This certification **must** be signed by the circulator!

You should not collect any additional signatures on this sheet once you have signed and dated the certification!

I hereby certify that I witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet and I believe each person is a qualified voter in the county/city/district. (ORS 250.165, 250.265, 255.135, 198.750, 221.031) I also hereby certify that compensation I received, if any, was not based on the number of signatures obtained for this petition.

Circulator Signature _____ **Date Signed** mm/dd/yy

Printed Name of Circulator _____ **Circulator's Address** street, city, zip code

County Elections Official Certification

I hereby certify _____ signatures on this petition are those of active registered voters in _____ County/City/District of Oregon.

Signature of County Elections Official _____ **Date Certified** mm/dd/yy

Sheet Number _____

Withdrawal of ○ Initiative or ○ Referendum Petition

SEL 375
rev 1/12: ORS 250.029

The chief petitioners of an initiative or referendum petition may withdraw the petition prior to the submission of the petition for signature verification. All chief petitioners must sign the same withdrawal form.

Type of Petition

○ **Statewide** ○ **County, City or District of** _____

Petition Information

Petition Title caption of ballot title or title of act	**Date Prospective Petition Filed**
Petition ID if applicable	**Election ID** if applicable

Withdrawal Reason

To the Secretary of State of Oregon/County Elections Official/City Recorder,
I/we submit this notice of withdrawal for the petition named above. My/our reason for withdrawal is: optional

Chief Petitioner Name print	**Signature**	**Date Signed**
Chief Petitioner Name print	**Signature**	**Date Signed**
Chief Petitioner Name print	**Signature**	**Date Signed**

For Office Use Only

Initials	Petition ID	Receipt Number