

# Recall Manual

*Published by*

Elections Division  
255 Capitol St NE, Suite 501  
Salem, OR 97310-0722

 503 986 1518  
**fax** 503 373 7414  
**tty** 1 800 735 2900  
[www.oregonvotes.gov](http://www.oregonvotes.gov)

*Adopted by*

Oregon Administrative Rule No. 165-014-0005



## Secretary of State

Elections Division Rev. 04/2019

# Contents

<b>Using This Manual</b>	<b>3</b>
Icons	3
Submitting Forms and Documents	3
Deadlines	4
Assistance	4
<b>Getting Started</b>	<b>4</b>
Public offices that are subject to recall	4
Chief Petitioners	4
Campaign Finance Reporting	5
False Information on a Prospective Recall Petition	5
<b>Recall Petition Process</b>	<b>6</b>
<b>The Recall</b>	<b>7</b>
Filing a Prospective Petition	7
Approval to Circulate	8
Gathering Petition Signatures	10
Completing a Petition	10
Signature Verification	10
Public Officer Resignation or Justification	12
<b>Recall Election</b>	<b>12</b>
Withdrawing a Recall Petition	13
<b>Petition Requirements and Guidelines</b>	<b>13</b>
Cover (SEL 350) and Signature Sheets	13
Guidelines for Circulation	15
<b>List of Forms</b>	<b>19</b>

## Using This Manual

This manual explains the requirements and procedures for filing a recall petition. It is very important to review the procedures thoroughly and follow the instructions completely.

 Failure to follow the instructions contained in this manual may invalidate the recall petition.

The filing officer for a state recall petition is the Elections Division of the Secretary of State's Office and in this manual, is referred to as the Elections Division. The filing officer for a county recall petition is the County Elections Official, for a city recall petition the City Elections Official, and for a district recall petition 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.

## Icons

The following icons are used in this manual to emphasize information:

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

 **info icon**  
indicates additional information

 **deadline icon**  
indicates a deadline

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

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

 **search icon**  
indicates information located elsewhere

## Submitting Forms and Documents

### Where the state Elections Division is the filing officer

With the exception of petition signature sheets, completed and signed forms or documents may be:

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

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

### Where the local elections official is the filing officer

With the exception of petition signature sheets, completed and signed forms or documents may be:

- Scanned and emailed to the local elections official; or
- Faxed to the local elections official; or
- Mailed or personally delivered to the local elections official.

### Submitting petition signature sheets to the filing officer

Signature sheets may only be accepted for verification if submitted by the chief petitioner or an authorized agent. In all instances petition signature sheets must be mailed or personally delivered to the Elections Division or local elections official.

## Deadlines

Documents must be received by the filing officer no later than 5 pm on the specified deadline day.

## Assistance

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

Elections Division

255 Capitol St NE, Suite 501

Salem, OR 97310

 503 986 1518

 fax 503 373 7414



[elections.sos@oregon.gov](mailto:elections.sos@oregon.gov)



[www.oregonvotes.gov](http://www.oregonvotes.gov)



1 866 673 8683

se habla español

**tty 1 800 735 2900**

for the hearing impaired

## Getting Started

The Oregon Constitution allows any non-federal public office holder, whether appointed or elected, to be recalled from office before the term has expired. A prospective recall petition may be filed only after the public office holder has actually served at least six months of their current term of office, except for an elected State Senator or State Representative. For an elected or appointed State Senator or Representative, a prospective recall petition may be filed at any time after the 5th day from the beginning of the first legislative session after the most recent election of a legislator for that seat. If a petition is submitted containing the required number of signatures and the office holder does not resign, an election will be held for voters to decide whether the person should be recalled from office.

## Public offices that are subject to recall

### State Public Offices:

→ Governor, Secretary of State, State Treasurer, Attorney General, State Senator, State Representative, Commissioner of the Bureau of Labor and Industries (Labor Commissioner), Judge (Supreme Court, Court of Appeals, Tax Court, Circuit Court and a County Judge who exercises judicial functions), and District Attorney are subject to recall. The State Elections Division is the filing officer for the Recall Petition for these offices.

### Local Public Offices:

→ County Commissioner, Justice of the Peace, County Clerk, County Assessor, County Treasurer, Sheriff, elective city positions, and elective special district positions are subject to recall. The County, City or District is the filing officer for the Recall Petition for these offices.



The United States Constitution does not provide for the recall of the President or Vice President of the United States, or any United States Senator or Representative in Congress.

## Chief Petitioners



The chief petitioner of a recall petition must be a registered voter in the district where the public officer was elected or appointed.

A recall has one chief petitioner who is the individual responsible for the preparation and organization of the petition. Chief petitioner responsibilities include:

→ signing and filing a statement providing the reasons for demanding the recall;



Forms are available online at [www.oregonvotes.gov](http://www.oregonvotes.gov).

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

If the chief petitioner resigns, the recall must be re-filed.

## Campaign Finance Reporting

Oregon campaign finance law requires the chief petitioner to file a Statement of Organization not later than **three business days** after first receiving a contribution or making an expenditure after filing a prospective petition with the appropriate filing officer or not later than the date the petition is approved for circulation, whichever occurs first.

 A separate petition committee including the dedicated bank account must be established for each recall.

The chief petitioner of a recall petition must file all of the following:

-  Form SEL 222 Statement of Organization Petition Committee;
-  Form SEL 223 Campaign Account Information;
- and, if eligible,**
-  Form PC 7 Certificate of Limited Contributions and Expenditures.

 The elections official will not approve cover and signature sheets for circulation until a petition committee has been established.

Campaign finance law also requires the filing of campaign finance transactions electronically.

 The Secretary of State developed ORESTAR, a secure web-based electronic reporting system, which committees must use to file campaign finance transactions unless the committee is eligible to file a Certificate of Limited Contributions and Expenditures (PC 7).

 After filing a prospective recall petition the chief petitioner must disclose campaign finance transactions within seven days of their occurrence.

For further detail on campaign finance reporting requirements:

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

## False Information on a Prospective Recall Petition

Providing false information on the SEL 350, Prospective Petition Recall form, is a violation of ORS 260.532 and ORS 260.715. Once the filing officer has approved the recall petition to circulate, a complaint regarding false information of material fact can be filed with the circuit court.

# Recall Petition Process

## Chief Petitioner

**1** begins process by filing with appropriate elections official:

- 📄 SEL 350 stating in 200 words or less the reasons for recall and providing their residence address

### For State Senator or State Representative

- 🕒 any time after the 5<sup>th</sup> day of the first legislative session of current term

### For all other elected or appointed public officers

- 🕒 any time after the office holder has served 6 months of current term

🔗 See page 8

**2** establishes a petition committee by filing with the Elections Division:

- 📄 SEL 222 Statement of Organization Petition Committee
- 📄 SEL 223 Campaign Account Information
- 📄 Form PC 7 Certificate of Limited Contributions and Expenditures (if eligible)

🔗 See page 6

**4** submits cover and signature sheets for approval:

### For state recall petitions

- 📄 cover and signature sheet templates copied back to back with a completed SEL 322, Template Modification and Approval form.

### For local recall petitions

- 📄 SEL 351 Signature Sheet Local Recall Petition copied on the reverse side of a copy of the SEL 350 originally submitted to the local elections official
- 📄 SEL 349 E-Sheet Local Recall Petition (optional)

🔗 See page 9

**6** after receiving approval to circulate and reviewing with circulators the legal requirements and guidelines for circulating a recall petition, begins gathering signatures

🔗 See page 11

**7** submits signatures for verification

- 🕒 no later than 90<sup>th</sup> day after prospective petition filed

🔗 See page 12

## Public Officer

**10** submits one of the following:

→ written resignation

or

- 📄 SEL 352 Statement of Justification
- 🕒 the resignation or SEL 352 must be filed no later than the 5<sup>th</sup> day after the petition qualifies to the ballot

🔗 See page 12

## Elections Official

**3** reviews forms for required information:

- date and time stamps the prospective petition
- if complete and correct, assigns the petition an identification number

and

### For state recall petitions ONLY

- issues templates to the chief petitioner so they may begin the signature sheet approval process

- 🕒 3 business days

🔗 See page 9

**5** reviews cover and signature sheets and provides written approval to circulate if:

- a petition committee has been established with the Elections Division

- 📄 Local elections officials may verify that an SEL 222 and SEL 223 have been filed by conducting a public search available at [www.oregonvotes.gov](http://www.oregonvotes.gov) or by contacting the Elections Division

and

- the cover and signature sheet submitted for approval meet petition sheet requirements

🔗 See page 11

**8** conducts signature verification

- 🕒 10<sup>th</sup> day after submission or 100 days after prospective recall petition filed, whichever is sooner

🔗 See page 11

**9** notifies the chief petitioner and public officer of the results of signature verification

- if an insufficient number of signatures are submitted and the deadline to submit signatures has passed, proceeds no further

- if sufficient signatures are submitted, informs the public officer they may submit their resignation or a statement of justification

🔗 See page 12

**11** conducts election

- 🕒 if the public officer does not resign within five days, the election must be held no later than the 35<sup>th</sup> day after the last day for the public officer to resign

🔗 See page 13

- 📄 To calculate deadlines, day one is the day after elections official considers a document complete and correct. If a statutory deadline, such as the deadline for the public officer to submit a statement of justification, falls on a Saturday, Sunday or holiday, the deadline becomes the following business day as provided for in ORS 246.021. However, constitutional deadlines, such as the deadline for the public officer to resign, that fall on a Saturday, Sunday or holiday, becomes the previous business day.

# The Recall

*Oregon Constitution ART II, Sec 18 and ORS 249.865 and 249.877*

The procedures for filing a recall petition are explained in the following sections. It is very important to review the procedures thoroughly and follow the instructions completely.

-  Please note that any notification an elections official is required to send in writing may also be sent to the affected individuals by email.

## Filing a Prospective Petition

Before gathering signatures to place a recall on the ballot, the chief petitioner must file a prospective petition with the appropriate elections official. The form may be submitted in person, by mail, by fax, or as an attachment by email.

### Chief Petitioner

A prospective recall petition consists of:

-  Form [SEL 350 Prospective Petition – Recall](#) (cover sheet), which must be completed and signed by the chief petitioner designating circulator pay status and stating in 200 words or less the reasons for demanding the recall.

 The factual information provided in the chief petitioner’s statement must be true. A remedy for providing false information is to file an action in circuit court under ORS 260.532.

 Supplying false information may result in a felony conviction with a fine of up to \$125,000 and/or a prison sentence of up to 5 years. ORS 260.715, 260.993

 Paid circulators for a state recall petition must register with the Elections Division. Chief Petitioners and any circulators must review the [Circulator’s Manual](#) prior to circulating.

 If any information provided on form [SEL 350](#) changes, including circulator pay status but not including the reason for demanding a recall, an amended form [SEL 350](#) must be filed within 10 calendar days of the change. If there is a change to the reason for demanding a recall the petition must be withdrawn and refiled.

Simultaneous to filing the prospective petition the chief petitioner is also encouraged to:

- 1 Establish a campaign account, and file a Statement of Organization designating a treasurer with the Elections Division. This must be done before the prospective petition can be approved to circulate.

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

- 2 Authorize individuals to act on their behalf in most matters regarding the petition process by completing and filing

 Form [SEL 307 Agent Authorization](#).

and

**For local recall petitions ONLY**

- 3 Begin the signature sheet approval process.

 See the [Approval to Circulate](#) process on page 8.

## Elections Official

After receiving the prospective recall petition the elections official:

- ✓ reviews the forms for required information;
- ✓ date and time stamps the prospective petition if the form is complete;
- ✓ assigns the petition an identification number;

and

### For state recall petitions ONLY

- ✓ provides the chief petitioner with official cover and signature sheet templates. The Elections Division has three days to provide the documents.

## Approval to Circulate

Cover and signature sheets for a prospective recall petition must be approved in writing by the elections official before the chief petitioner may begin circulating the petition.



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

### For State Recall Petitions

To begin the cover and signature sheet approval process the chief petitioner must do the following:

- 1 Request modifications of official templates, if necessary (if no modifications are needed, skip to #2).



#### Official templates include:

- a cover sheet which is a reproduction of the SEL 350 submitted by the chief petitioner;
- ten line signature sheet, which requires the circulator to complete the certification; and
- an e-sheet, which has space for one voter to sign and does not require a circulator certification be completed.

### Requested Modifications

Any modifications to official templates must be made by the Elections Division. To request modifications to the official templates, the chief petitioner or authorized agent completes and submits:



Form SEL 322 Template Modification and Approval – Recall.



The chief petitioner may request modification of the official templates at any time.

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

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



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



Forms are available online at [www.oregonvotes.gov](http://www.oregonvotes.gov).

- 2 Use the official templates to prepare cover and signature sheets exactly as intended to circulate.
  -  See [Petition Guidelines and Requirements](#) on page 13.
- 3 Ensure a campaign account has been established and a Statement of Organization filed.
- 4 Submit a completed SEL 322 Template Modification and Approval form detailing signature sheet specifications and an exact example of cover and signature sheets to the Elections Division for approval to circulate.

### For local recall petitions

The submission of any form for approval to circulate is optional.

To begin the cover and signature sheet approval process the chief petitioner must do the following:

- 1 Complete form
  -  SEL 349 E-Sheet – Local Petition, which has space for one voter to sign and does not require circulator certification. The reason for demanding the recall must be inserted in the statement section **and**
  -  SEL 351 Signature Sheet – Local Recall Petition.
- 2 Copy the completed SEL 351 Signature Sheet – Local Recall Petition and a copy of the SEL 350 (cover sheet), which must be submitted to the local elections official back-to-back.
- 3 Prepare cover and signature sheets exactly as intended to circulate.
  -  See [Petition Guidelines and Requirements](#) on page 13.
- 4 Ensures a campaign account has been established and a Statement of Organization filed with the Elections Division.
- 5 Submit cover and signature sheets to the local elections official for approval to circulate.

### Elections Official

After receiving cover and signature sheets from the chief petitioner or their authorized agent, the elections official:

- ✓ verifies the chief petitioner has filed a Statement of Organization by submitting an SEL 222 Statement of Organization for Petition Committee and SEL 223 Campaign Account Information with the Elections Division or by searching for the committee at [www.oregonvotes.gov](http://www.oregonvotes.gov);

- ✓ reviews cover and signature sheets for compliance with petition requirements;

 See [Petition Guidelines and Requirements](#) on page 14.

**and**

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

- ✓ provides written notification of all required corrections;

**or**

**If cover and signature sheets do comply**

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



The required number of valid signatures is 15% of the votes cast for governor in the public officer's district during the last gubernatorial election at which a candidate for Governor was elected to a full term. Votes cast includes miscellaneous write-in votes, but not over votes or under votes.



Signatures are due no later than 5 pm 90 days after a prospective petition is filed with the elections official.

The 90th day is calculated from the date stamp on:

→ the SEL 350 form if required information is complete and correct.



Once the petition has been approved to circulate, no changes can be made to the Statement portion of the cover sheet (SEL 350); all other changes must be submitted within 10 days of when the change was made.

## Gathering Petition Signatures

The chief petitioner:

- 1 reviews with circulators the legal requirements and guidelines for circulating recall petitions;
  -  See [Guidelines for Circulation](#) on page 13.
- 2 monitors circulator activities to ensure compliance; and
- 3 obtains more than the required number of signatures to ensure the petition contains a sufficient number of valid signatures.

## Submitting Signatures and Completing a Petition

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

The chief petitioner or an authorized agent may also submit signatures through the US Postal Service or a parcel service.



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

To complete the filing process the chief petitioner or an authorized agent must:

- 1 ensure each signature sheet certification is signed and dated by the circulator;
- 2 number each signature sheet sequentially in the space provided;
- 3 submit signature sheets containing at least 100% of required number of signatures to the appropriate elections official for verification either personally or through the mail;
- 4 provide the number of signatures submitted for verification; and
- 5 affirm the petition is complete. To affirm the petition is complete the chief petitioner must sign



Form SEL 339 Petition Submission.

Form SEL 339 should be marked completed and also include the number of signatures submitted for verification. Only the chief petitioner can affirm the petition is complete.

## Signature Verification

Signature verification will only be conducted if the elections official determines the petition signature sheets accepted for verification contain a number of unverified signatures equal to or greater than the required number of signatures.



Forms are available online at [www.oregonvotes.gov](http://www.oregonvotes.gov).

The elections official processes signature sheets submitted for verification by:

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



Unapproved petition sheets and those that do not comply with legal requirements will be rejected.

- ✓ verifying sheets are numbered sequentially;



If prior to data entry the Elections Division determines that a state recall petition has more than 100 signature sheets which are not numbered or are not sequentially numbered, or for a local recall petition, if the local elections official determines that there are more than 50 signature sheets which are not numbered or are not sequentially numbered, chief petitioners will be promptly notified and allowed to correct the sequential numbering. The renumbering of petition sheets will only occur at the Elections Division and in full view of Elections Division team members. Should chief petitioners not correct the sequential numbering, the Elections Division will hire temporary staff to renumber the sheets on behalf of chief petitioners and will subsequently invoice chief petitioners for the entire cost of the temporary staff.

- ✓ determining if the circulator's certification is sufficient;
- ✓ calculating the number of signatures that are eligible for verification after review;

**and**

**For State Recall Petitions**

- ✓ verifying original signatures using voter registration records

**or**

**For city and district recall petitions ONLY**

- ✓ coordinating with the county elections official for the verification of original signatures.



If the petition requires more than 4,500 signatures, the statistical sampling process described in OAR 165-014-0110 will be used to determine if the petition contains the required number of signatures.



See OAR 165-014-0110 online at [www.oregonvotes.gov](http://www.oregonvotes.gov).



If the petition does not contain the required number of valid signatures and the filing deadline has not passed, the chief petitioner may submit additional signatures along with an [SEL 339](#).

The elections official provides in writing to both the chief petitioner and the public officer:

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

**and**

**For petitions not qualified to the ballot**

- ✓ information on how to submit additional signatures if the filing deadline has not passed



Recall petitions which do not contain enough valid signatures after the filing deadline has passed are void.

**or**

**For petitions qualified to the ballot**

- ✓ the deadline for the public officer to resign or submit a Statement of Justification.



Forms are available online at [www.oregonvotes.gov](http://www.oregonvotes.gov).

## Public Officer Resignation or Justification

If the recall petition contains the required number of valid signatures, the public officer may submit in person, by mail, by fax, or as an attachment by email either:

→ a written resignation to the elections official

 The resignation is accepted and takes effect on the day it is offered.

or

 Form SEL 352 *Statement of Justification* explaining, in 200 words or less, the public officer's course in office.

 The factual information provided in the public officer's statement must be true.

 Supplying false information may result in conviction of a felony with a fine of up to \$125,000 and/or a prison sentence of up to 5 years. ORS 260.715, 260.993

 The elections official schedules the recall election. A recall election will be scheduled even if the public officer fails to submit an SEL 352 by the required deadline.

The public officer continues to perform the duties of the office until the result of the election is officially declared by the elections official, which must be no later than 30 days after the election is held. In the case of a recall election held on a date other than the date of the primary election or general election, the county clerk shall prepare an abstract of the votes and deliver it to the elections official authorized to order the recall election not later than the 20<sup>th</sup> day after the election.

 See the [Recall Petition Process](#) outlined on page 6 for the deadline to submit resignation or SEL 352.

## Recall Election

If the public officer does not resign within five days, the election must be held no later than the 35th day after the last day for the public officer to resign. The elections official completes the recall process by coordinating with the county elections official to schedule and conduct the election. Each recall ballot will include all of the following:

- ✓ the chief petitioner's reasons for demanding the recall exactly as submitted by the chief petitioner on form SEL 350;
- ✓ an exact reprint of the public officer's statement of justification from form SEL 352, if submitted;
- ✓ the question – Do you vote to recall \_\_\_\_\_ from the office of \_\_\_\_\_ ?

 With the elected official's name printed in the first blank space and the public office held by the elected official printed in the second blank space;

and

- ✓ area to record yes or no vote.

The elections official will provide a copy of the results to the public officer.

**If the recall election is successful** the position becomes vacant and is filled in accordance with state statute or local charter or ordinance

**If the recall election is unsuccessful**, the public official remains in office and any additional recall petitions that are filed against the same person during the same term must be accompanied by a deposit that is equal to the cost to conduct the first recall election.

## Withdrawing a Recall Petition

To withdraw a recall petition the chief petitioner must complete, sign, and file:

-  Form SEL 375 Withdrawal – Petition.

The recall petition can only be withdrawn

- ✓ if the chief petitioner wants to **change the statement of demand for recall**
- or
- ✓ if the chief petitioner **has not submitted the total number of signatures required for verification.**

 Once withdrawn the recall petition cannot be re-activated. The chief petitioner may re-file the recall petition and begin the process again.

## Petition Requirements and Guidelines

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

### Cover (SEL 350) and Signature Sheets

*ORS 249.865 and 250.052*

Each signature sheet must be an exact replica of official templates provided to the chief petitioner of a state recall, form SEL 349, or form SEL 351 completed by the chief petitioner of a local recall petition with a copy of the SEL 350 submitted to the local elections official copied back to back.

#### Recall cover and signature sheets must meet the following formatting requirements:

- when submitted for verification be on standard 8½" x 11" size paper, or equivalent; and
- at least 20 pound uncoated paper, or equivalent.

 The size, weight and color paper requirements outlined here do not apply to any e-sheet, if from the face of the e-sheet the elections official can determine that the signer printed the e-sheet and had the opportunity prior to signing to review the required information.

#### For state recall petitions

- colored paper stock must be used for petition sheets gathered by paid circulators;

or

#### For local recall petitions

- printed on white or colored paper stock.

 Local recall petitions are not subject to the requirement that signature sheets circulated by paid signature gatherers be printed on colored paper stock.

### Required Modifications

 Any proposed variation to the approved signature sheets must be resubmitted and approved in writing by the elections official before circulating. Signatures collected on unapproved signature sheets will be rejected.

If at any time after receiving approval to circulate, the residence address of the chief petitioner changes, or if the circulator pay status changes, the chief petitioner must submit an amended form SEL 350 within 10 calendar days of the change. Updated cover and signature sheets that reflect the change must also be submitted for approval.

The chief petitioner of a state recall must use the revised templates provided by the Elections Division to produce updated cover and signature sheets.

The chief petitioner of a local recall must update form SEL 349 and form SEL 351 with a copy of the amended SEL 350 copied back to back.

 Once new cover and signature sheets are approved to circulate, the chief petitioner will have 30 days to remove the previous version from circulation.

### Distribution

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

Distribution Method	Additional Requirements
<ul style="list-style-type: none"> <li>✓ Petitioners may utilize paid circulators and volunteers to solicit signatures.</li> <li>✓ Petitioners may publish on a website.</li> </ul>	<ul style="list-style-type: none"> <li>→ Paid circulators may not use e-sheets to gather signatures.</li> <li>→ Instructions for printing the e-sheet or cover and signature sheets must be published with the signature sheet; print e-sheet on at least 20 pound, 8½" x 11" uncoated white paper, or equivalent; print the cover and signature sheet back to back on at least 20 pound, 8½" x 11" uncoated white paper, or equivalent.</li> </ul>
<ul style="list-style-type: none"> <li>✓ Petitioners may email to a subscription list or other interested parties for voter to print individually at home.</li> </ul>	<ul style="list-style-type: none"> <li>→ Instructions for printing the e-sheet or cover and signature sheets must be included with the email; print e-sheet on at least 20 pound, 8½" x 11" uncoated white paper, or equivalent; print the cover and signature sheet back to back on at least 20 pound, 8½" x 11" uncoated white paper, or equivalent.</li> </ul>
<ul style="list-style-type: none"> <li>✓ Petitioners may mail to a subscription list or other interested parties.</li> </ul>	N/A
<ul style="list-style-type: none"> <li>✓ Petitioners may insert into a publication for distribution.</li> </ul>	N/A

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

### Passive E-Sheet Stations

A passive e-sheet station is an unstaffed booth or other display that contains, e-sheets and a secure container for voters to deposit completed e-sheets. Voters may complete and submit the e-sheet at the station or take an e-sheet to complete and return.

The design and placement of any passive e-sheet station must not encourage the circulation of e-sheets by paid circulators. To ensure compliance with this requirement, chief petitioners must monitor the passive e-sheet station and ensure that:

- a paid circulator is not staffing the station to answer questions, verbally or physically draw attention to the station, encourage voters to sign or in any other way trying to solicit voters to sign the petition; and
- an employee of the location where a passive e-sheet station is located is only pointing out where e-sheets are physically located if asked by a customer or patron and is not answering any additional questions about the petition.

## Guidelines for Circulation

*ORS 250.045, 260.555 and 260.558*

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

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

### Circulator Requirements

Each circulator must:	What this means:
→ Personally witness each signature collected.	<ul style="list-style-type: none"> <li>✓ Watch the person sign the petition.</li> <li>ⓘ It is not sufficient to merely be present in the same room or vicinity.</li> </ul>
→ Complete the circulator certification after witnessing all signatures collected on a sheet.	<ul style="list-style-type: none"> <li>✓ Sign the certification using a legal signature.</li> <li>ⓘ A legal signature is defined as a signature possessing obvious and predominantly matching characteristics to signatures on file from a paid circulator's registration, signatures in the Oregon voter registration file, or the signature on an official government document.</li> <li>ⓘ Initials, signature stamps, illegible or printed script are not sufficient unless verified by exemplar.</li> </ul>
→ Provide the date when the certification was signed.	<ul style="list-style-type: none"> <li>✓ The date must be provided in month, day, year order if written in all numbers.</li> </ul>
→ If being paid to gather signatures on a state recall petition, a circulator must register with the Elections Division.	<ul style="list-style-type: none"> <li>✓ Registration must be completed and a circulator badge issued before a circulator is paid to gather any signatures</li> <li>🔍 See the <a href="http://www.oregonvotes.gov">Circulator Training Manual</a> available at <a href="http://www.oregonvotes.gov">www.oregonvotes.gov</a>.</li> </ul>
<p>ⓘ Paid circulators include any person who is gathering signatures while being paid, even if they are being paid to do other things as well. If they are on the job while gathering signatures, even if that job is unrelated to signature gathering, they are considered a paid circulator. Individuals who collect signatures while on the job who do not collect a salary or hourly wage are not considered paid circulators.</p>	



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



Forms are available online at [www.oregonvotes.gov](http://www.oregonvotes.gov).

## Circulator Prohibitions

It is against the law for circulators to knowingly:

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

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

## Signer Requirements

Each petition signer must:	What this means
→ Provide an original signature but is encouraged to provide their printed name, date signed and address; and	✓ Petition signers must sign the petition using a signature contained in their voter registration record.
→ Be an active registered voter at the time of signing the petition in the electoral district where the petition is being circulated.	✓ Information in the voter registration record must be up to date so they would be able to vote on the petition.

## Signature Date

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

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

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

## Signer Prohibitions

It is against the law for signers to knowingly:

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

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

## Certification of Signature Sheets

OAR 165-014-0270

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

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

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

### Circulator Signature Defects

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

### Certification Date Defects

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

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

### Incurable Defects

- the original signature of a circulator has been crossed out, and a different circulator's signature is inserted;
  -  Does not apply if the original signature is that of an individual whose signature appears on the same signature sheet as a signer.

---

- two individuals sign and date as circulator; or
  -  Does not apply if the only signers and the circulators are the same people.

---

- white-out or other correction fluid or adhesive tape appears on the signature line.

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



## List of Forms

### **SEL 222**

Statement of Organization for Petition Committee

### **SEL 223**

Campaign Account Information

### **SEL 307**

Agent Authorization

### **SEL 322**

Template Modification and Approval

### **SEL 339**

Petition Submission

### **SEL 349**

Electronic Signature Sheet – Local Recall Petition

### **SEL 350**

Prospective Petition – Recall

### **SEL 351**

Signature Sheet – Local Recall Petition

### **SEL 352**

Statement of Justification

### **SEL 375**

Withdrawal – Petition

### **PC 7**

Certificate of Limited Contributions and Expenditures