



MEMORANDUM

TO: Tobias Read, Oregon Secretary of State

FROM: Michael Kaplan, Oregon Deputy Secretary of State

DATE: January 27, 2026

SUBJECT: Rescheduling a Qualified State Ballot Measure

Pursuant to Article IV, section 1(4)(c) of the Oregon Constitution, state measures qualified for the ballot via the initiative or referendum petition process are placed on the general election ballot unless otherwise ordered by the Legislative Assembly. When the Legislative Assembly (“legislature”) orders that a measure scheduled to appear on the general election ballot be placed on the primary election ballot, it must consider processes and timelines to meet deadlines associated with conducting a uniform and accurate election.

We understand that the legislature may consider a bill in the upcoming session that would reschedule a qualified state ballot measure to the May 2026 primary election. This memorandum addresses, at a high level, the timelines and implications of such legislation.

RESCHEDULING TO THE PRIMARY ELECTION

The existing statutory framework in ORS chapters 250, 251, and 254 contemplates that some state measures will appear on the primary election ballot. As such, applicable statutes contain specific deadlines.

Certified Ballot

For each primary, general, and special statewide election, the Elections Division issues a certified ballot, which is the final and authoritative document provided by the Elections Division to county elections officials outlining what state contests, candidates, and measures will appear on the ballot for an election. Pursuant to ORS 254.085, the certified ballot must be delivered to counties by the 61st date before the election. For the May 2026 primary election, that deadline is March 19, 2026.

The certified ballot “shall” contain the following information about each state ballot measure:

- The measure’s number assigned by the Elections Division under ORS 250.115;
- The latest ballot title certified by the Attorney General under ORS 250.067 or, where applicable, the Oregon Supreme Court under ORS 250.085; and

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- Financial estimates drafted under ORS 250.125.

See *ORS 254.085(3)*.

The ballot title of any state measure “shall” include the following elements¹:

- A 15-word caption;
- A 25-word description explaining the results of a “yes” vote;
- A 25-word description explaining the results of a “no” vote; and
- A concise and impartial 125-word statement summarizing the measure and its major effect.

See *ORS 250.035(2)*.

A financial estimate is required for any state measure that involves the expenditure or reduction of expenditure of public money or the reduction of revenues or raising of funds through taxation or indebtedness. See *ORS 250.125(1)*. The financial estimate of a state measure is created by a committee consisting of the Secretary of State, the State Treasurer, the Director of the Department of Administrative Services, the Director of the Department of Revenue, and a local government representative with expertise in local government finance. See *ORS 250.125(10)*. The financial estimate – or a statement that the state measure will have no financial effect – is printed both in the state voters’ pamphlet and on the ballot. See *ORS 250.125(5)-(6)*.

For measures appearing on the primary or general election ballot, the financial estimate (and/or any associated statements of financial effect) drafted under ORS 250.125 is required to be filed with the Secretary of State by the 99th day before the election. See *ORS 250.125(1), (7)-(8); ORS 250.127(1)*. The Secretary of State is then required to give “reasonable statewide notice” of a hearing, to be held not later than the 95th day before the election, at which time any person may testify orally or in writing. The Secretary of State is also required to accept written comments on the financial estimate and/or statements before the hearing. See *ORS 250.127(2)*. The committee then reconvenes and considers the feedback received before voting on and filing the final estimate and/or statements not later than the 90th day before the election. See *ORS 250.127(3)-(4)*. Any petition that challenges the preparation, filing, or certification of a financial estimate or statement must be filed with the Supreme Court not later than the 85th day before the election. See *ORS 250.131*. Notably, if the financial estimate or statements are not

¹ A draft ballot title for Referendum Petition 2026-302 was received from the Attorney General on January 15, 2026. The public comment period will be open until 5 pm on January 30, 2026. If written comments are received, the Attorney General shall consider the comments and certify the draft (or a revised) ballot title on or before February 13, 2026. See *ORS 250.067(2)(a)*. If no written comments are received, the Attorney General shall certify the draft ballot title on or before February 17, 2026. See *ORS 250.067(2)(b)*. Any ballot title challenge must be filed with the Supreme Court within 10 business days of certification. See *ORS 250.085(3)(a)*.

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timely filed or included in the certified ballot, the measure will appear on ballots and in the voters' pamphlet without the financial estimate or statements. See *ORS 250.127(7)-(8)*.

Voters' Pamphlet

The Elections Division is required to produce a state voters' pamphlet for all elections where a state ballot measure will be voted on. See *ORS 251.026, ORS 251.185, and the State Voters' Pamphlet Manual (page 5)*.

Under *ORS 251.185*, the Secretary of State "shall" include the following information about each state measure in the state voters' pamphlet:

- The measure's number assigned by the Elections Division under *ORS 250.115*;
- The ballot title of the measure (specific details outlined above);
- Financial estimates and any other statement prepared under *ORS 250.125* (specific details outlined above);
- The explanatory statement under *ORS 251.215*;
- Arguments for and against the measure filed with the Secretary of State;
- A racial and ethnic impact statement prepared under *ORS 137.685*;² and
- A statement submitted for the measure by a citizen panel under *ORS 250.141*.³

The explanatory statement for a state measure is created by a citizen committee consisting of two proponents of the measure, two opponents of the measure, and a fifth member appointed by the existing committee members (or by the Secretary of State if committee members fail to appoint a fifth member).⁴ For measures appearing on the primary or general election ballot, the explanatory statement drafted under *ORS 251.215* is required to be filed with the Secretary of State by the 99th day before the election. The Secretary of State is then required to give "reasonable statewide notice" of a hearing, to be held not later than the 95th day before the election, at which any person may testify orally or in writing. The Secretary of State is also required to accept written comments on the explanatory statement before the hearing. See *ORS 251.215(2)*. The committee then reconvenes and considers the feedback received before voting on and filing the original statement or any revised statement not later than the 90th day before the election. See *ORS 251.215(3)-(4)*. Any petition that seeks a different explanatory statement must be filed with the Supreme Court not later than the 85th day before the election.

² A racial and ethnic impact statement is only required to be prepared upon written request from a member of the Legislative Assembly from each major political party. This requires the Oregon Criminal Justice Commission to prepare a racial and ethnic impact statement for a state measure when it is related to crime and likely to have an effect on the criminal justice system.

³ A Citizens Initiative Review statement is only filed if the Citizens' Initiative Review Commission has selected an initiative petition measure and filed the statement with the Secretary of State by the deadline set by rule.

⁴ The process to convene the explanatory statement committee must begin not later than the 120th day before the election. See *ORS 251.205*.

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See ORS 251.235(1); ORS 251.215(3). Notably, if the explanatory statement is not timely filed, the measure will appear on ballots without an explanatory statement available for consideration in the state voters' pamphlet. See ORS 251.230.

Arguments for or against a state ballot measure may be filed supporting or opposing any state ballot measure. For a primary election, arguments may be filed not sooner than the 120th day and not later than the 68th day before the date of the primary election at which the measure is to be voted upon. See ORS 251.255(1). For the May 2026 primary election, all information required to be included in the state voters' pamphlet for a measure must be filed by March 12, 2026, at 5:00:00 pm.⁵

Deadlines for State Measure to Appear at the May 19, 2026, Primary Election

As outlined above, the existing constitutional and statutory framework contemplates that state measures can appear on the primary election ballot and in the state voters' pamphlet.

To be included in the state voters' pamphlet for the primary election, the information relating to any state measure (including the measure number, certified ballot title, financial estimates and/or other financial effect statements, explanatory statement, and arguments for and against the measure) must be filed with the Secretary of State by **March 12, 2026**, at 5:00:00 pm. Shortly thereafter, the Secretary of State must deliver the certified ballot (to include the measure number, ballot title, and financial estimates) to counties by **March 19, 2026**.

The process to prepare the information contained in the voters' pamphlet and on the certified ballot is subject to intermediate statutory deadlines, one or more of which may have already elapsed for the May 2026 primary election. But because these deadlines are statutory, they are presumably subject to change by the legislature.

If the legislature were to reschedule a qualified state measure to appear on the primary election ballot instead of the general election ballot, the act ordering the schedule change would need to include special timelines and provisions outlining how and when the following actions would occur:

- Creation of the ballot title and the timeframe to resolve any court challenges, with the understanding that the drafting process is already underway;
- Creation of the financial estimate and the timeframe to resolve any court challenges;
- Creation of the explanatory statement and the timeframe to resolve any court challenges; and
- Filing of measure arguments, considering that voters' pamphlet information could be filed under ORS 251.255(1) beginning as early as January 19, 2026, and filers will need time

⁵ The state voters' pamphlet is required to be mailed to voters not later than April 29, 2026. See ORS 251.175.

to prepare and file arguments and possibly collect signatures in lieu of paying the filing fee. See *ORS 251.255(2)(a)*.

Summary

If the legislature reschedules a state measure to appear on the primary election ballot instead of the general election ballot, the act must also address related election processes.

To allow for timely, uniform, and orderly conduct of the primary election, the certified ballot title, financial estimate and/or statements, explanatory statement, and arguments for and against the measure must be received by the Elections Division no later than March 12, 2026, at 5:00:00 p.m. This will allow the Elections Division to meet its statutory deadline to issue a certified ballot to county election officials.

To allow submission of measure arguments for inclusion in the state voters' pamphlet, we recommend providing at least 10 business days for filers to submit filings. As such, any legislation to reschedule a state measure for the May 2026 primary election should have an emergency clause and be signed by the Governor not later than February 25, 2026. The Elections Division would begin accepting measure argument filings the next business day on February 26, 2026, through the state voters' pamphlet filing deadline of March 12, 2026, at 5:00:00 p.m.

COST TO CONDUCT THE ELECTION

Who bears the cost to conduct an election depends on the type of election. The state does not typically reimburse counties for costs related to ballot measures regardless of the election the measure appears on, leaving the county elections offices to absorb those costs.⁶ On at least one occasion, when the legislature ordered a special election exclusively for a ballot measure to be voted on, it appropriated funding to reimburse counties for the unexpected and unbudgeted costs.⁷

⁶ ORS 246.179 only requires the state to reimburse counties for costs to conduct special elections involving US Senators, US Representatives, or the recall election of a state office holder.

⁷ See [Emergency Board certificate dated May 2018](#)