

Chapter 255

1957 REPLACEMENT PART

Voters' Pamphlets

GENERAL PROVISIONS

- 255.011 Definitions
255.025 Information statement in voters' pamphlets

PRIMARY ELECTIONS PAMPHLETS

- 255.031 Filing portrait cut and statement by or for candidate; filing statement opposing candidate
255.040 Type of material to be excluded from pamphlet; liability for libel
255.051 Fees for space in voters' pamphlet
255.061 Preparing, printing, binding, delivery and distribution of pamphlets

GENERAL ELECTION PAMPHLET

- 255.211 Filing portrait cuts and statements
255.220 Type of material to be excluded from pamphlet; liability for libel
255.231 Fees for space in voters' pamphlet
255.241 Preparing, printing, binding, delivery and distribution of pamphlets

PAMPHLETS FOR CITIES OF 10,000 OR MORE POPULATION

- 255.310 Allotment of space, printing and distribution of pamphlets in cities of 10,000 or more population

INITIATIVE AND REFERENDUM PAMPHLETS

- 255.410 Voters' pamphlet to include measures, statements and arguments; distribution for special election
255.421 Filing arguments for or against initiative or referred measures
255.430 Type of arguments to be excluded from pamphlet; liability for libel
255.440 Form for printing proposed constitutional amendment; showing person making each argument
255.450 Payment of cost of printing argument

PENALTIES

- 255.990 Penalties

CROSS REFERENCES

Administration of election laws, Ch. 246
County clerks to supply information for use in mailing voters' pamphlets, 247.510
Criminal penalty for violations of election laws, 260.510
Materials and papers, time allowed for receipt, 246.021
Punishment for publication of anonymous or libelous matter relating to any election or candidate, 260.370
Registrar of elections in Multnomah County to perform election duties of county clerk, 246.300
Reservation to the people of the powers of initiative and referendum, Const. Art. IV, §§ 1 and 1a

INITIATIVE AND REFERENDUM PAMPHLETS

Application of ORS 255.410 to 255.450:
To cities, 254.130
To counties, 254.310
To laws governing local option, 254.170
To municipalities and districts, 254.340

Estimated cost of measure involving expenditure of public money, imposing of tax or incurring any indebtedness to be printed in voters' pamphlet, 254.190; exception, 254.180

Initiative, Ch. 254

Referendum, Ch. 254

Voters' pamphlets not necessary for elections held for purpose of incorporation of territory into cities, 222.260

255.990

Election offenses and corrupt practices, Ch. 260
Penalty for violation of 1907 c. 226, of which ORS 255.410 to 255.450 were a part, 254.160(2), 254.990

GENERAL PROVISIONS

255.010 [Repealed by 1957 c.608 §231]

255.011 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Political agent" means any person who, upon request or under agreement, receives or disburses money on behalf of a candidate.

(2) "Portrait cut" means a conventional photograph, not more than five years old, of the face or face and bust of a candidate, and not an informal snapshot, cartoon, caricature or similar representation, suitably prepared and processed for printing.

(3) "Typewritten statement" or "statement" does not include cuts, pictures, drawings or any other like illustrative material. [1957 c.608 §190]

255.020 [Repealed by 1957 c.608 §231]

255.025 Information statement in voters' pamphlets. The Secretary of State shall prepare and have printed in every voters' pamphlet printed as provided by ORS 255.031 to 255.061, 255.211 to 255.241 and 255.410 to 255.460, devoting one page to that purpose, a plain and concise statement containing information on the following:

(1) Requirements for a citizen to qualify as a voter.

(2) When a voter is required to reregister.

(3) How a voter may obtain and use an absentee ballot.

(4) How a voter may obtain and use a certificate of registration. [1955 c.154 §1]

PRIMARY ELECTIONS PAMPHLETS

255.030 [Repealed by 1957 c.608 §231]

255.031 Filing portrait cut and statement by or for candidate; filing statement opposing candidate. (1) Not less than 70 days before the primary election, any candidate for nomination or election at the primary election to the office of President or Vice President of the United States, United States Senator, Representative in Congress, party national committeeman, party national committeewoman, delegate to a party national convention or any state, county or district office, when the district is composed of one or more counties, or his political agent on his behalf, may file with the Secretary of State

a portrait cut of the candidate and a typewritten statement setting forth the reasons why the candidate should be nominated or elected.

(2) Not less than 66 days before the primary election, any registered elector opposing the nomination or election at the primary election of any candidate referred to in subsection (1) of this section and affiliated with the same political party with which the registered elector is affiliated, may file with the Secretary of State a typewritten statement setting forth the reasons why the candidate should not be nominated or elected. The statement shall be accompanied by an affidavit of the registered elector stating that a copy of the statement was delivered to the candidate opposed.

(3) Each candidate for nomination or election to an office to be voted for in the state at large, except delegate to a party national convention, or in a congressional district shall be allowed two pages of space, and each candidate for nomination or election to any other office shall be allowed one page of space in the voters' pamphlet. Each registered elector opposing a candidate shall be allowed one page of space in the voters' pamphlet.

(4) On each page of the voters' pamphlet containing any portrait cut or statement filed under subsection (1) or (2) of this section shall appear a statement indicating by whom such portrait cut or statement was furnished. [1957 c.608 §192]

255.040 Type of material to be excluded from pamphlet; liability for libel. (1) The Secretary of State shall reject any statement or other matter favoring or opposing any candidate and offered for filing and printing in the voters' pamphlet under ORS 255.031, which contains any obscene, vulgar, profane, scandalous, libelous or defamatory matter, or any language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any person or group of persons by reason of race, color, religion or manner of worship, or any language or matter the circulation of which through the mails is prohibited by Congress. Such statements shall not be filed or printed in the voters' pamphlet. No candidate is entitled to display in the voters' pamphlet any cut showing the uniform or insignia of any organization which advocates or teaches racial or religious intolerance.

(2) Nothing in this chapter shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the voters' pamphlet. The persons procuring, making, composing, signing or offering such statement for filing shall be deemed the authors and publishers thereof. [Amended by 1957 c.608 §193]

255.050 [Amended by 1955 c.96 §1; repealed by 1957 c.608 §231]

255.051 Fees for space in voters' pamphlet. (1) Each candidate for nomination or election at the primary election to any of the following offices, or his political agent on his behalf, shall pay to the Secretary of State at the time of filing portrait cuts and statements under ORS 255.031, the following fee for each page of space in the voters' pamphlet:

(a) President or Vice President of the United States, United States Senator, Representative in Congress, party national committeeman, party national committeewoman or any state office to be voted for in the state at large, except delegate to a party national convention, \$150.

(b) Delegate to a party national convention, any state office other than those provided for in paragraph (a) of this subsection or any district office, when the district is composed of one or more counties, \$15.

(c) Any county office, \$50.

(2) Each registered elector opposing the nomination or election at the primary election of any candidate shall pay to the Secretary of State at the time of filing statements under ORS 255.031, the same fee for one page of space in the voters' pamphlet as provided in subsection (1) of this section for such candidate.

(3) In no case shall a fee paid under subsection (1) or (2) of this section be less than the fee prescribed for one page of space in the voters' pamphlet.

(4) The Secretary of State, upon the request of such person, shall refund any fee paid under subsection (1) or (2) of this section to the person who paid such fee at any time on or before the last day prescribed in ORS 255.031 for filing portrait cuts and statements, and in such event the portrait cuts and statements shall not be printed in the voters' pamphlet.

(5) The Secretary of State shall pay all fees received by him under subsections (1) and (2) of this section into the General Fund in the State Treasury. [1957 c.608 §194]

255.060 [Repealed by 1957 c.608 §231]

255.061 Preparing, printing, binding, delivery and distribution of pamphlets. (1) Not less than 59 days before the primary election, the Secretary of State shall deliver to the State Printer a list of the names of all candidates for nomination or election at the primary election to the offices referred to in ORS 255.031 and of the offices for which such candidates are competing, and all portrait cuts and statements filed under ORS 255.031, properly compiled, edited, prepared and indexed for printing. Such list, portrait cuts and statements shall pertain only to candidates whose names appear on the register of candidates for nomination at the primary election kept by the Secretary of State.

(2) The State Printer shall print and bind in pamphlet form the list, portrait cuts and statements delivered to him under subsection (1) of this section, and shall print as many copies of the voters' pamphlet as the Secretary of State estimates will be necessary for distribution as provided in subsection (3) of this section. The State Printer shall complete delivery of the voters' pamphlets to the Secretary of State not less than 20 days before the primary election.

(3) Not less than 15 days before the primary election, the Secretary of State shall cause a copy of the voters' pamphlet containing pictures and statements pertaining to candidates of a political party to be distributed by mail to each registered elector affiliated with such political party, and may use such additional means of distribution as he considers necessary or desirable to make copies of the voters' pamphlet available to registered electors affiliated with such political party. [1957 c.608 §195]

255.070 [Repealed by 1957 c.608 §231]

255.080 [Repealed by 1957 c.608 §231]

255.090 [Repealed by 1957 c.608 §231]

255.100 to 255.200 [Reserved for expansion]

GENERAL ELECTION PAMPHLET

255.210 [Repealed by 1957 c.608 §231]

255.211 Filing portrait cuts and statements. (1) Not less than 70 days before the

regular biennial general election, the state executive committee or managing officers of any political party or organization having nominated candidates may file with the Secretary of State:

(a) A typewritten statement setting forth arguments for the success of its principles and election of its candidates on a statewide basis and opposing or attacking the principles and candidates of other political parties or organizations on a statewide basis.

(b) A typewritten statement setting forth arguments for the success of its principles and election of its candidates on a county basis and opposing or attacking the principles and candidates of other political parties or organizations on a county basis.

(c) Portrait cuts of its candidates for election to the office of President and Vice President of the United States, United States Senator, Representative in Congress or any state, county or district office, when the district is composed of one or more counties, and typewritten statements setting forth the reasons why such candidates should be elected.

(2) Not less than 70 days before the regular biennial general election, any independent candidate for election to the office of President or Vice President of the United States, United States Senator, Representative in Congress or any state, county or district office, when the district is composed of one or more counties, or his political agent on his behalf, may file with the Secretary of State a portrait cut of the candidate and a typewritten statement setting forth the reasons why the candidate should be elected.

(3) Each political party or organization having nominated candidates shall be allowed four pages of space in the voters' pamphlet for a statement filed under paragraph (a) of subsection (1) of this section, two pages of space for a statement filed under paragraph (b) of subsection (1) of this section and space for each candidate for whom portrait cuts and statements are filed under paragraph (c) of subsection (1) of this section as provided in subsection (3) of ORS 255.031. Each independent candidate shall be allowed space in the voters' pamphlet as provided in subsection (3) of ORS 255.031.

(4) On each page of the voters' pamphlet containing any portrait cut or statement filed under subsection (1) or (2) of this section shall appear a statement indicating by whom such portrait cut or statement

was furnished. [1957 c.608 §197]

255.220 Type of material to be excluded from pamphlet; liability for libel. (1) The Secretary of State shall reject any statement or other matter favoring or opposing any candidate and offered for filing and printing in the voters' pamphlet under ORS 255.211, which contains any obscene, vulgar, profane, scandalous, libelous or defamatory matter, or any language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any person or group of persons by reason of race, color, religion or manner of worship, or any language or matter the circulation of which through the mails is prohibited by Congress. Such statements shall not be filed or printed in the voters' pamphlet. No candidate is entitled to display in the voters' pamphlet any cut showing the uniform or insignia of any organization which advocates or teaches racial or religious intolerance.

(2) Nothing in this chapter shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the voters' pamphlet. The persons procuring, making, composing, signing or offering such statement for filing shall be deemed the authors and publishers thereof. [Amended by 1957 c.608 §198]

255.230 [Repealed by 1957 c.608 §231]

255.231 Fees for space in voters' pamphlet. (1) The state executive committee or managing officers of each political party or organization having nominated candidates for election at the regular biennial general election shall pay to the Secretary of State at the time of filing portrait cuts and statements under ORS 255.211 the following fees for pages of space in the voters' pamphlet:

(a) The statement filed under paragraph (a) of subsection (1) of ORS 255.211, \$100 per page.

(b) The statement filed under paragraph (b) of subsection (1) of ORS 255.211, \$50 per page.

(c) Portrait cuts and statements pertaining to its candidates for election to the office of President and Vice President of the United States, United States Senator, Representative in Congress or any state office to

be voted for in the state at large, \$150 per page.

(d) Portrait cuts and statements pertaining to its candidates for election to any state office other than those provided for in paragraph (c) of this subsection or any district office, when the district is composed of one or more counties, \$15 per page.

(e) Portrait cuts and statements pertaining to its candidates for election to any county office, \$50 per page.

(2) Each independent candidate for election at the regular biennial general election to any of the following offices, or his political agent on his behalf, shall pay to the Secretary of State at the time of filing portrait cuts and statements under ORS 255.211, the following fee for each page of space in the voters' pamphlet:

(a) President or Vice President of the United States, United States Senator, Representative in Congress or any state office to be voted for in the state at large, \$150.

(b) Any state office other than those provided for in paragraph (a) of this subsection or any district office, when the district is composed of one or more counties, \$15.

(c) Any county office, \$50.

(3) In no case shall a fee paid under subsection (1) or (2) of this section be less than the fee prescribed for one page of space in the voters' pamphlet.

(4) The Secretary of State, upon the request of such person, shall refund any fee paid under subsection (1) or (2) of this section to the person who paid such fee at any time on or before the last day prescribed in ORS 255.211 for filing portrait cuts and statements, and in such event the portrait cuts and statements shall not be printed in the voters' pamphlet.

(5) The Secretary of State shall pay all fees received by him under subsections (1) and (2) of this section into the General Fund in the State Treasury. [1957 c.608 §199]

255.240 [Repealed by 1957 c.608 §231]

255.241 Preparing, printing, binding, delivery and distribution of pamphlets. (1) Not less than 59 days before the regular biennial general election, the Secretary of State shall deliver to the State Printer a list of the names of all candidates for election to the offices referred to in ORS 255.211 and of the offices for which such candidates are competing, and all portrait cuts and statements filed under ORS 255.211, properly compiled,

edited, prepared and indexed for printing. Such list, portrait cuts and statements shall pertain only to candidates whose names appear on the register of nominations kept by the Secretary of State.

(2) The State Printer shall print and bind in pamphlet form the list, portrait cuts and statements delivered to him under subsection (1) of this section, and shall print as many copies of the voters' pamphlet as the Secretary of State estimates will be necessary for distribution as provided in subsection (3) of this section. The State Printer shall complete delivery of the voters' pamphlets to the Secretary of State not less than 20 days before the regular biennial general election.

(3) Not less than 15 days before the regular biennial general election, the Secretary of State shall cause a copy of the voters' pamphlet to be distributed by mail to each registered elector entitled to vote for the candidates or on the measures contained therein, and may use such additional means of distribution as he considers necessary or desirable to make copies of the voters' pamphlet available to registered electors entitled to vote for the candidates or on the measures contained therein. [1957 c.608 §200]

255.250 [Amended by 1955 c.96 §2; repealed by 1957 c.608 §231]

255.260 [Repealed by 1957 c.608 §231]

255.270 to 255.300 [Reserved for expansion]

PAMPHLETS FOR CITIES OF 10,000 OR MORE POPULATION

255.310 Allotment of space, printing and distribution of pamphlets in cities of 10,000 or more population. (1) In cities of more than 10,000 population, any candidate for nomination or election to any elective municipal office may file with the city clerk, auditor or recorder, not later than the fifteenth day before the municipal primary election, a statement of the reasons why he should be nominated and elected, and portrait cut if he desires, on the conditions set forth by this section. Such candidate shall pay for these services at the rate of \$20 for each printed page of space. No payment shall be received for less than a full page. All payments made under this section shall

be made to the city clerk, auditor or recorder at the time the statement is offered to him for filing, and shall be by him paid into the general fund in the city treasury.

(2) The city clerk, auditor or recorder shall properly compile, edit, prepare and index such statements and arguments for printing, and if there are any municipal measures to be voted upon at the ensuing municipal election he may bind in with the pamphlet a copy of each and of the arguments submitted on them in like manner as the Secretary of State is required to do in state elections. He shall have them printed in the same manner that other city printing is done, and have them all bound under one cover. At least eight days before the regular nominating election he shall forward a copy of the pamphlet with postage prepaid, to each voter in the city whose postoffice address he may have or can obtain from the city directory, registration books, or otherwise.

(3) The provisions of this section shall not apply to cities of less than 10,000 inhabitants, as shown by the census next preceeding such municipal election. The provisions of this chapter for statements opposing candidates shall apply also to municipal elections, under this section, subject to the same rules of filing, payments, etc., required of candidates' statements by this section.

255.320 to 255.400 [Reserved for expansion]

INITIATIVE AND REFERENDUM PAMPHLETS

255.410 Voters' pamphlet to include measures, statements and arguments; distribution for special election. (1) The Secretary of State shall have printed in the voters' pamphlet provided for in ORS 255.211 to 255.241 for a regular biennial general election or in a voters' pamphlet for a special election a true copy of the title and text of each proposed law, Act or part of an Act of the Legislative Assembly or amendment to the Oregon Constitution to be submitted to the people at such election, with the number and form in which the ballot title thereof will be printed on the official ballot, the explanatory statements prepared and filed under ORS 254.220 and arguments filed under ORS 255.421.

(2) Not less than 15 days before any special election at which any proposed law,

Act or part of an Act of the Legislative Assembly or amendment to the Oregon Constitution is to be submitted to the people, the Secretary of State shall cause a copy of the voters' pamphlet for such election to be distributed by mail to each registered elector entitled to vote on the measure, and may use such additional means of distribution as he considers necessary or desirable to make copies of the voters' pamphlet available to registered electors entitled to vote on the measure. [Amended by 1953 c.359 §4; 1957 c.608 §201]

255.420 [Repealed by 1957 c.608 §231]

255.421 Filing arguments for or against initiative or referred measures. (1) Not less than 75 days before any regular biennial general election, nor less than 60 days before any special election, at which an initiated measure is to be voted upon, the person or organization filing the initiative petition, but no other person or organization, may file with the Secretary of State a typewritten argument advocating the measure, and any person or organization may file with the Secretary of State a typewritten argument opposing the measure.

(2) Not less than 75 days before any regular biennial general election, nor less than 60 days before any special election, at which a referred measure is to be voted upon, any person or organization may file with the Secretary of State a typewritten argument advocating or opposing the measure.

(3) Each person or organization filing an argument under subsection (1) or (2) of this section shall be allowed two pages of space in the voters' pamphlet for the argument. [1957 c.608 §203]

255.430 Type of arguments to be excluded from pamphlet; liability for libel. (1) The Secretary of State shall reject any argument or other matter favoring or opposing any measure and offered for filing and printing in the voters' pamphlet under ORS 255.421, which contains any obscene, vulgar, profane, scandalous, libelous or defamatory matter, or any language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any person or group of persons by reason of race, color, religion or manner of worship, or any language or matter, the circulation of which through the mails is prohibited by

Congress. Such arguments shall not be filed or printed in the voters' pamphlet.

(2) Nothing in this chapter shall be deemed to make any such argument or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous arguments offered for printing or contained in the voters' pamphlet. The persons procuring, making, composing, signing or offering such argument for filing shall be deemed the authors and publishers thereof. [Amended by 1957 c.608 §204]

255.440 Form for printing proposed constitutional amendment; showing person making each argument. (1) The text of a proposed amendment to the Oregon Constitution shall be printed in the voters' pamphlet so as to indicate by the use of brackets the matter that would be deleted from the existing provision, and by italic type the matter that would be added thereto.

(2) Each argument in the voters' pamphlet shall show the measure it advocates or opposes and by what persons or organizations it is made. [Amended by 1953 c.359 §4; 1953 c.647 §2; 1957 c.608 §205]

255.450 Payment of cost of printing argument. (1) The person or organization filing any argument under ORS 255.421 shall pay to the Secretary of State at the time of filing such argument a fee determined by the Secretary of State to be sufficient to pay all the expenses for paper and printing of the argument, excluding binding, in the voters' pamphlet. When such arguments are printed in the voters' pamphlet and the costs finally determined, the Secretary of State shall re-

fund to the person or organization who paid it to him any surplus fee. The cost of printing, binding and distributing the measures proposed and of binding and distributing the arguments shall be paid by the state, it being intended that only the cost of paper and printing the arguments, excluding binding, shall be paid by the persons or organizations filing them. Such persons or organizations shall not be charged any higher rate for such work and paper than is paid by the state for similar work and paper.

(2) The Secretary of State, upon the request of such person or organization, shall refund any fee paid under subsection (1) of this section to the person or organization who paid such fee at any time on or before the last day prescribed in ORS 255.421 for filing arguments, and in such event the arguments shall not be printed in the voters' pamphlet.

(3) The Secretary of State shall pay all fees received by him under subsection (1) of this section into the General Fund in the State Treasury. [Amended by 1957 c.608 §206]

255.460 [Repealed by 1957 c.608 §231]

255.470 to 255.980 [Reserved for expansion]

PENALTIES

255.990 Penalties. Whoever violates any provision of ORS 255.031 to 255.061, 255.211 to 255.241 or 255.310, the punishment for which is not specially provided by law, shall on conviction thereof be punished by imprisonment in the county jail for not more than one year, or by a fine of not more than \$5,000, or both.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on December 2, 1957.

Sam R. Haley
Legislative Counsel

CHAPTERS 256 AND 257

[Reserved for expansion]

