

Chapter 255

1959 REPLACEMENT PART

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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255.010 [Repealed by 1957 c.608 §231]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255.020 [Repealed by 1957 c.608 §231]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255.030 [Repealed by 1957 c.608 §231]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. (1) Not later than the seventieth day 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) 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.

(3) On each page of the voters' pamphlet containing any portrait cut or statement filed under subsection (1) of this section shall appear a statement indicating by whom such portrait cut or statement was furnished. [1957 c.608 §192; 1959 c.457 §1]

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 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; 1959 c.457 §2]

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 paragraphs (a) and (c) of this subsection or any district office, when the district is composed of one or more counties, \$15.

(c) District attorney, circuit court judge, district court judge or any county office, \$50.

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

(3) The Secretary of State, upon the request of such person, shall refund any fee paid under subsection (1) 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.

(4) 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. [1957 c.608 §194; 1959 c.457 §3]

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 pri-

mary 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 paragraphs (c) and (e) 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 the office of district attorney or 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 paragraphs (a) and (c) of this subsection or any district office, when the district is composed of one or more counties, \$15.

(c) District attorney, circuit court judge, district court judge or 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; 1959 c.457 §4]

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) Except as otherwise specifically provided in the referral order of the Legislative Assembly, not less than 75 days before any regular biennial general election, nor less than 60 days before any special election, at which a measure ordered referred by the Legislative Assembly is to be voted upon, the joint committee provided for in this subsection shall file with the Secretary of State a typewritten argument advocating the measure. A joint committee consisting of one Senator, to be appointed by the President of the Senate, and two Representatives, to be appointed by the Speaker of the House of Representatives, shall prepare the argument advocating the referred measure and file it with the Secretary of State.

(4) 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. Except as otherwise specifically provided in the referral order of the Legislative Assembly, the joint committee filing an argument under subsection (3) of this section shall be allowed one page of space in the voters' pamphlet for the argument. [1957 c.608 §203; amended by 1959 c.457 §5]

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 Secretary of State shall set aside pages in the voters' pamphlet in which arguments may be printed and for which he shall neither make nor collect any charge, as follows:

(a) The argument filed under subsection (1) of ORS 255.421 advocating an initiated measure, one page.

(b) Arguments filed under subsection (1) of ORS 255.421 opposing an initiated measure, one page. Arguments first filed shall be printed on such one page.

(c) An argument filed under subsection (2) of ORS 255.421 by the person or organization filing the referendum petition advocating the measure ordered referred by the petition, one page.

(d) Arguments filed under subsection (2) of ORS 255.421 opposing a measure ordered referred by petition, one page. Arguments first filed shall be printed on such one page.

(e) Arguments filed under subsection (2) of ORS 255.421 advocating a measure ordered referred by the Legislative Assembly, one page. Arguments first filed shall be printed on such one page.

(f) Except as otherwise specifically provided in the referral order of the Legislative Assembly, the argument filed under subsection (3) of ORS 255.421 advocating a measure ordered referred by the Legislative Assembly, one page.

(g) Except as otherwise specifically provided in the referral order of the Legislative Assembly, arguments filed under subsection (2) of ORS 255.421 opposing a measure ordered referred by the Legislative Assembly, one page. Arguments first filed shall be printed on such one page.

(2) If more material advocating or opposing an initiated or referred measure is filed than can be printed on the pages provided for in subsection (1) of this section, the person or organization filing such material shall pay to the Secretary of State at the time of filing such material a fee of \$500 for each additional page of space, or part thereof, in the voters' pamphlet.

(3) The Secretary of State, upon the request of such person or organization, shall refund any fee paid under subsection (2) 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.

(4) The Secretary of State shall pay all fees received by him under subsection (2) of this section into the General Fund in the State Treasury. [Amended by 1957 c.608 §206; 1959 c.457 §6]

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.

ELECTIONS

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 November 1, 1959.

Sam R. Haley
Legislative Counsel

CHAPTERS 256 AND 257

[Reserved for expansion]