

# Chapter 254

## 1969 REPLACEMENT PART

(1971 reprint)

### Initiative, Referendum and Recall

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**INITIATIVE AND REFERENDUM**

254.010 [Repealed by 1957 c.608 §231]

254.020 [Repealed by 1957 c.608 §231]

**(Filing of Petitions)**

**254.030 Filing copy of petition with Secretary of State before circulating; sheets for signatures; filing petition; designation of chief petitioners; preservation.** (1) Before or at the time of beginning to circulate any petition for the referendum to the people on any Act or part of any Act of the Legislative Assembly, or for any law, amendment to the Oregon Constitution, city ordinance or amendment to a city charter proposed by the initiative, the persons or organizations under whose authority the measure is to be referred or initiated shall send or deliver to the Secretary of State, city clerk, recorder or auditor, as the case may be, a signed copy of such petition. Such officer shall file the signed copy in his office, and shall immediately examine it and specify the form, kind and size of paper on which such petition shall be printed for circulation for signatures. To every sheet of petitioners' signatures shall be attached a full and correct copy of the measure proposed by initiative petition; but such petition may be filed by the Secretary of State in numbered sections for convenience in handling. Each sheet of petitioners' signatures upon referendum petitions shall be attached to a full and correct copy of the measure on which the referendum is demanded. This may be filed in numbered sections in the manner of initiative petitions. Not more than 20 signatures on one sheet shall be counted. Every petition shall designate not to exceed three persons as chief petitioners, setting forth their names and mailing addresses.

(2) When any initiative or referendum petition is offered for filing the Secretary of State shall detach the sheets containing the signatures and affidavits and attach all of them to one or more printed copies of the proposed measure. If the sheets are too bulky for convenient binding in one volume, they may be bound in two or more volumes, those in each volume to be attached to a single printed copy of the measure. If any such measure is, at the ensuing election, approved by the people, then the copies so preserved, with the sheets, signatures, affidavits and a certified copy of the Governor's proclamation declaring it approved by the people, shall be bound together so they may

be conveniently identified and preserved for a period of six years. At the end of that period the sheets, signatures and affidavits may be removed for disposal. A single printed copy of the measure and the Governor's proclamation shall be preserved as a permanent public record.

[Amended by 1957 c.608 §167; 1961 c.80 §1; 1969 c.42 §1]

**254.040 Verification of signatures; signature sheets to be returned.** (1) Every sheet of each initiative or referendum petition containing signatures shall be verified on the face thereof by the affidavit of the person who circulated the sheet, stating that every person who signed the sheet did so in his presence and that he believes that each signer stated his correct residence address and is a registered elector.

(2) The county clerk of each county in which a petition is signed shall compare the signatures of registered electors signing it with the signatures of registered electors on the register of electors and shall, on the face of each signature sheet, make his certificate stating the number of signatures he believes to be genuine. The certificate is prima facie evidence of the facts stated therein and of the qualifications of the registered electors whose signatures are included in the number certified to be genuine. The county clerk shall return every signature sheet to one of the persons designated as a chief petitioner in the petition, or to a representative of a chief petitioner designated by a petitioner in writing, and to no one else.

(3) The Secretary of State shall count only the signatures on the petitions that are included in the number certified by the county clerk to be genuine and those remaining signatures that are proved to be the genuine signatures of registered electors by the official certificate of a notary public of the county in which the signer resides.

[Amended by 1957 c.608 §168; 1959 c.177 §2; 1967 c.141 §1; 1969 c.42 §2]

**254.045 Acceptance for filing of unverified signature sheets; verification after final filing date.** (1) Any provision of ORS 254.040 notwithstanding, the filing officer for any initiative or referendum petition shall accept for filing signature sheets which have not prior thereto been certified by the verification officer as genuine.

(2) Signature sheets accepted for filing as provided for in subsection (1) of this section shall be immediately returned to the

county clerk for verification after the final filing date for initiative and referendum petitions specified in the Oregon Constitution. All signature sheets shall be certified and returned by the county clerks to the filing officer not later than the 15th day following the filing date provided for in the Oregon Constitution.

[1967 c.141 §§3, 4]

254.050 [Repealed by 1957 c.608 §231]

### (Ballot Titles)

**254.060 Attorney General to prepare ballot title for certain measures.** (1) When a copy of the petition for any measure to be referred to the people of the state or of any district composed of two or more counties, either by the initiative or referendum, is filed with the Secretary of State, as provided by ORS 254.030, the Secretary of State shall immediately transmit two copies thereof to the Attorney General.

(2) Within five days after receiving the copies the Attorney General shall provide a ballot title for the measure and return one copy to the Secretary of State, together with the ballot title so prepared by him.

(3) A copy of the ballot title shall be furnished by the Secretary of State with his approved form of any initiative or referendum petition, as provided by ORS 254.030, to the persons or organizations under whose authority the measure is initiated or referred. [Amended by 1953 c.359 §4; 1957 c.608 §169; 1967 c.364 §1; 1967 (s.s.) c.3 §1]

**254.070 Form and use of ballot title.** The ballot title mentioned in ORS 254.060 shall be used and printed on the covers of the petition when in circulation. The ballot title shall consist of a caption not exceeding six words in length by which the measure is commonly referred to or spoken of, followed by an abbreviated statement not exceeding 75 words in length of the chief purpose of the measure. The caption only shall be printed in the foot margin of each signature sheet of the petition. The ballot title shall be printed with the number of the measure on the official ballot. The ballot title prepared by the Attorney General shall be a concise and impartial statement of the purpose of the measure.

[Amended by 1953 c.359 §4; 1957 c.608 §170; 1967 c.364 §7]

**254.073 Legislature may prepare ballot titles for certain measures.** (1) When the

Legislative Assembly orders a proposed constitutional amendment or other measure submitted to the people, a ballot title for the measure may be prepared by the assembly or by a committee consisting of members of each house created and governed by joint resolution. The ballot title shall consist of a caption not exceeding six words in length by which the measure is commonly referred to or spoken of, followed by an abbreviated statement not exceeding 75 words in length of the chief purpose of the measure. A title so prepared shall be a concise and impartial statement of the purpose of the measure, and when prepared shall be filed with the Secretary of State.

(2) If the title is not prepared under subsection (1) of this section, when the measure is filed with the Secretary of State, copies shall be transmitted to the Attorney General and a title prepared as provided by ORS 254.060.

[1967 c.364 §3; 1967 (s.s.) c.3 §2]

254.075 [1967 c.364 §4; repealed by 1967 (s.s.) c.3 §4]

**254.077 Procedure for person dissatisfied with title.** (1) Any person dissatisfied with a ballot title filed with the Secretary of State under ORS 254.060 or 254.073 may petition the Supreme Court praying for a different title and setting forth the reasons why the title filed with the court is insufficient or unfair. If a petition is filed within 20 days after the title is filed with the Secretary of State, the court shall review the title and measure, hear arguments, if any, and certify to the Secretary of State a title for the measure which meets the requirements of ORS 254.070, if the title was prepared by the Attorney General, or the requirements set forth in ORS 254.073, if the title was prepared under ORS 254.073.

(2) The review by the Supreme Court shall be determined expeditiously as may be appropriate for the orderly and timely circulation of initiative or referendum petitions or for the orderly and timely conduct of the election at which the measure is to be submitted to the voters.

(3) A ballot title certified to the Secretary of State as provided by this section shall be the title furnished with any petition form under ORS 254.060 and shall be the title printed on the ballot and in the voters' pamphlet.

[1967 c.364 §6; 1967 (s.s.) c.3 §3]

254.080 [Amended by 1953 c.359 §4; 1957 c.608 §171; repealed by 1967 c.364 §8]

254.083 [1967 c.364 §6; repealed by 1967 (s.s.) c.3 §4]

**254.090 Ballot titles to be certified by Secretary of State to county clerks for printing on ballots; printing of titles on ballots.**

(1) The Secretary of State, at the time he furnishes to the county clerks certified copies of the names of candidates for state and district offices, shall furnish to each county clerk his certified copy of the ballot titles and numbers of the measures to be voted upon at the ensuing general election. He shall use for each measure the ballot title designated in the manner provided in this chapter. The ballot title shall not resemble, so far as to probably create confusion, any title previously filed for any measure to be submitted at that election. He shall number the measures. The ballot titles shall be printed on the official ballot in the order in which Acts referred by the Legislative Assembly and petitions by the people are filed in his office. The first measure shall be numbered 1, the second 2, the third 3, and so on consecutively for all the succeeding measures.

(2) The county clerks shall print the ballot titles and numbers upon the official ballot in the order presented to them by the Secretary of State and in the form and the relative position required by law. District measures and proposals which are not required to be certified by the Secretary of State and other local measures or proposals, excepting city measures, shall be numbered to follow consecutively the proposals certified by the Secretary of State, and in the same manner. No two proposed measures, proposals or questions submitted to the voters of any precinct at the same election, either general or special, shall be assigned identical numbers, whether consolidated or separate ballots are used. Measures referred by the Legislative Assembly shall be designated by the heading "Referred to the People by the Legislative Assembly." Measures referred by petition shall be designated "Referendum Order by Petition of the People." Measures proposed by initiative petition shall be designated and distinguished on the ballot by the heading "Proposed by Initiative Petition."

[Amended by 1953 c.632 §6]

**254.100 Ballot titles to be certified by city officers to county clerks for printing on ballots; printing of titles on ballots.** The appropriate officer of each city with a popu-

lation of 2,000 or more, according to the last official federal or state census, at the time he furnishes to the county clerk of the county or of each county in which the city is situated certified copies of names of the candidates for city officers, shall furnish to the county clerk his certified copy of the ballot titles and numbers of the measures to be voted upon at the ensuing general election. He shall use for each measure the ballot title designated in the manner provided in this chapter. The ballot title shall not resemble, so far as to probably create confusion, any title previously filed for any measure to be submitted at that election. He shall number the measures and the ballot titles shall be printed on the official ballot. The first measure shall be numbered 51 in numerals. The succeeding measures shall be numbered consecutively 52, 53, 54 and so on to and including 100, at each election. The county clerk shall print the ballot titles and numbers upon the official ballot in the order presented to him by the city officer and in the form and the relative position required by law.

[Amended by 1953 c.632 §6; 1957 c.608 §172]

**(Ballots and Voting)**

**254.104 Assignment of additional numbers to measures printed on ballot.** If the numbers allotted by ORS 254.090 and 254.100 for measures to be submitted to the people are not sufficient to permit the inclusion of all the measures to be submitted to the people on the ballot using only those numbers, the county clerk, with the approval of the Secretary of State, shall assign the numbers allotted by ORS 254.090 and 254.100 and such additional numbers as are necessary so that all measures to be submitted to the people are included on the ballot. [1953 c.632 §7]

**254.105 Numbering of multicounty district measures.** (1) The Secretary of State shall designate a ballot number for any measure or question to be submitted to the voters of a district at an election to be held at the same time as a primary or general election if:

(a) The district is located in more than one county; and

(b) An officer of the district makes a written request therefor to the Secretary of State not later than 65 days before the date of the election.

(2) At the time referred to in ORS 254.090 the Secretary of State shall certify the ballot

numbers to the county clerks of each county in which the district is located. The county clerks shall print the numbers on the official ballot as certified by the Secretary of State.

(3) As used in subsections (1) and (2) of this section, "district" means a school, area education or other district.

[1969 c.299 §§1, 2]

Note: ORS 254.105 was not added to and made a part of ORS 254.090 to 254.170 by legislative action.

**254.106 Numbering and form of local and city measures appearing on ballot.** Notwithstanding the form prescribed by any other provision of law, all district and other local measures and questions and all city measures and questions shall be assigned a number as prescribed by ORS 254.090 and 254.100 and shall be submitted in the form prescribed by ORS 250.110, 254.090, 254.100, 254.104 and 254.106 for submission of measures or questions to the voters of the state at large unless the Secretary of State determines in the specific case that it is not practicable to submit the district or other local measure or question or the city measure or question in the form required by such sections.

[1953 c.632 §5; 1957 c.608 §173]

**254.110 Voting and number of votes necessary to adopt measure; conflict between measures adopted.** The manner of voting upon measures submitted to the people shall be the same as is now or may be required by law. No measure shall be adopted unless it receives an affirmative majority of the total number of votes cast on the measure and entitled to be counted under the provisions of this chapter. For example, if 70,000 ballots are properly marked on any measure, it shall not be adopted unless it receives more than 35,000 affirmative votes. If two or more conflicting laws are approved at the same election, the law receiving the greatest number of affirmative votes shall be paramount in all particulars as to which there is a conflict, even though such law may not have received the greatest majority of affirmative votes. If two or more conflicting amendments to the Constitution are approved at the same election, the amendment receiving the greatest number of affirmative votes shall be paramount in all particulars as to which there is a conflict, even though such amendment may not have received the greatest majority of affirmative votes.

**254.120 Canvassing returns; proclamation of results.** (1) The votes on measures and questions shall be counted, canvassed and returned by the regular election boards and officers in the same manner as votes for candidates. The abstract made by the county clerks of votes on measures and questions shall be returned to the Secretary of State or to the appropriate city officer, as the case may be, on abstract sheets in the manner provided by ORS 250.810 for abstracts of votes for state, county and city officers.

(2) The Secretary of State shall, in the presence of the Governor, as soon as possible within 30 days after the election, canvass the votes for each measure or question. The Governor shall immediately issue his proclamation, giving the whole number of votes cast for and against each measure and question, and declaring measures and questions approved by a majority of those voting thereon to be in full force and effect as the law from the date prescribed by law. If two or more measures are approved at the election which are known to conflict with each other or to contain conflicting provisions, he shall also proclaim which is paramount in accordance with the provisions of ORS 254.110.

(3) The appropriate city officer shall, as soon as possible within 30 days after the election, canvass the vote given for each proposed charter amendment or measure or question as the charter or ordinances of his city provide and proclaim which is paramount in the manner provided by the charter or ordinance provisions.

[Amended by 1957 c.608 §174]

#### (Procedures in Cities)

**254.130 Procedures with respect to city legislation, in cities not having conflicting procedures, to be similar to initiative and referendum procedures for measures relating to the people of the state.** (1) In all cities which do not provide by ordinance or charter for the manner of exercising the initiative and referendum powers reserved by the Oregon Constitution to the people, as to their municipal legislation, the duties required of the Secretary of State by ORS 254.030 to 254.100, 254.110 to 254.170 and 255.410 to 255.450, as to state legislation, shall be performed as to such municipal legislation by the city clerk, auditor or recorder, as the case may be. The duties required of the Governor shall be performed by the mayor

as to such municipal legislation. The duties required by ORS 254.030 to 254.070, 254.090 to 254.170 and 255.410 to 255.450 of the Attorney General shall be performed by the city attorney as to such municipal legislation. Except as otherwise provided in this section, ORS 254.030 to 254.100, 254.110 to 254.170 and 255.410 to 255.450 shall apply in every city in all matters concerning the operation of the initiative and referendum in its municipal legislation, on which the city has not made or does not make conflicting provisions.

(2) Not less than eight days before the election at which the measures are to be voted upon, the city clerk, auditor or recorder, as the case may be, shall cause copies of the voters' pamphlets containing such measures to be distributed in such a manner that a copy is available to each registered elector in the city.

(3) Arguments supporting municipal measures shall be filed with the city clerk, auditor or recorder, not less than 30 days before the election at which they are to be voted upon. Opposing arguments shall be filed not less than 30 days before the election.

(4) The person or organization filing any argument under subsection (3) of this section shall pay to the city clerk, auditor or recorder at the time of filing such argument a fee determined by the city clerk, auditor or recorder 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 city clerk, auditor or recorder shall refund 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 city, 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 city for similar work and paper. The printing shall be done in the same manner that other city printing is done.

(5) Except as otherwise provided in this section, it is intended to make the procedure in municipal legislation, as nearly as practicable, the same as the initiative and refer-

endum procedure for measures relating to the people of the state at large.

[Amended by 1957 c.608 §175; 1959 c.457 §7]

**254.140 Signing, verifying and filing referendum petitions against ordinance, franchise or resolution.** Referendum petitions against any ordinance, franchise or resolution passed by a city council shall be signed by not less than 10 percent of the voters of the city. The signatures shall be verified in the manner provided in ORS 254.040. The register of electors in the office of the county clerk of the county in which such city is situated shall be available for verifying the signatures. The petition shall be filed with the city clerk, auditor or recorder, as the case may be, within 30 days after the passage of the ordinance, resolution or franchise.

[Amended by 1957 c.608 §176]

**254.150 Procedure for initiative measures on a city ordinance, charter or amendment to charter.** If any ordinance, charter or amendment to the charter of any city is proposed by initiative petition, the petition shall be filed with the city clerk, auditor or recorder, as the case may be, and he shall transmit it to the next session of the city council. The council shall either ordain or reject it, as proposed, within 30 days. If the council rejects it or takes no action on it, the city clerk, auditor or recorder, as the case may be, shall submit it to the voters of the city at the next election held not less than 90 days after it was first presented to the city council. The council may ordain the ordinance or amendment and refer it to the people or it may ordain such ordinance without referring it to the people. If the latter is done it shall be subject to referendum petition in like manner as other ordinances. If the council rejects the ordinance or amendment or takes no action on it, it may ordain a competing ordinance or amendment, which shall be submitted by the city clerk, auditor or recorder, as the case may be, to the people of the city at the same election at which the initiative proposal is submitted. Such competing ordinance or amendment shall be prepared by the council and ordained within 30 days allowed for its action on the measure proposed by initiative petition. The mayor shall not have power to veto either of such measures. If conflicting ordinances or charter amendments are submitted to the people

at the same election, and two or more conflicting measures are approved by the people, then the measure which received the greatest number of affirmative votes shall be paramount in all particulars as to which there is conflict, even though such measure may not have received the greatest majority.

**254.160 Qualifications for signers of petition.** (1) Any registered elector of the state may sign a petition for the referendum or for the initiative for any measure which he is entitled to vote upon.

(2) No person shall sign any name other than his own to any petition or knowingly sign his name more than once for the same measure at one election; nor shall anyone sign who is not, at the time of signing, a registered elector of this state. No officer or person shall wilfully violate any provision of ORS 254.030 to 254.100, 254.110 to 254.170 or 255.410 to 255.450.

[Amended by 1957 c.608 §177]

**254.170 ORS 254.030 to 254.100, 254.110 to 254.170 and 255.410 to 255.450 do not apply to local option liquor laws.** ORS 254.030 to 254.100, 254.110 to 254.170 and 255.410 to 255.450 do not apply to the provisions of the local option liquor laws providing methods of determining whether the sale of intoxicating liquors shall be prohibited in any county or city.

[Amended by 1957 c.608 §178]

#### (Explanatory Statements)

**254.180 Estimate of amount involved on measures proposing expenditure of public money or a reduction of state revenues, imposing a tax or incurring any indebtedness.** Whenever any measure involving the expenditure of public money by the state, a reduction of state revenues or the raising of funds by the state by imposing any tax or incurring any indebtedness is proposed by initiative or referred by referendum petition or by the Legislative Assembly, the Secretary of State, with the assistance of the State Treasurer, the Director of the Executive Department and the Department of Revenue, shall estimate in dollars the amount of expenditure, reduction in state revenues, tax revenue or indebtedness and interest which will be required to meet the provisions of the measure should it be enacted. Such estimate shall state the recurring annual amount involved or, if the measure does not involve such a recurring annual

amount, the total amount. The estimate shall be certified by at least two of the officials named in this section and, not later than the ninetieth day before the election at which the measure is to be voted upon, it shall be filed, with the data upon which it is based, in the office of the Secretary of State. Thereafter it shall be available for public inspection. If the measure involves only administrative expenses not exceeding \$50,000 per annum, the estimate shall not be printed in the voters' pamphlet or on the ballot as prescribed in ORS 254.190.

[Amended by 1953 c.150 §2; 1957 c.608 §179]

**254.190 Estimate, if measure involves administrative expenses exceeding \$50,000, to be printed on ballot and in voters' pamphlet.** The Secretary of State shall cause the estimate provided in ORS 254.180 to be printed immediately following the ballot title of the measure to which it pertains when the measure appears in the voters' pamphlet published by him pursuant to ORS 255.410 to 255.450. When the Secretary of State, pursuant to ORS 254.090, furnishes to the county clerks the certified copy of the ballot title of any measure specified in ORS 254.180, he shall furnish each county clerk his certified copy of the estimate provided in ORS 254.180. Each county clerk shall print the estimate on the official ballot immediately following the ballot title of the measure to which it pertains.

**254.200** [Repealed by 1957 c.608 §231]

**254.210 Appointment of committee to draft explanatory statement of measure proposed by initiative or referendum.** At least 120 days prior to any special election held on the date of a primary election or any general election at which any legislative or constitutional measure is to be submitted to the people of the state by initiative or referendum, a committee of three citizens shall be selected, for each measure, to prepare the statement referred to in ORS 254.220 for that particular measure. The Secretary of State shall appoint two members of each committee, one of whom shall be from among the proponents, if any, of the particular measure and the other from among the opponents, if any, of the measure. Those two shall select the third member and notify the Secretary of State of the selection. If the two members have not selected the third member at least 100 days before the election, the third member shall be appointed by

the Secretary of State. The Secretary of State shall also appoint a member to fill any vacancy which may occur.

[Amended by 1957 c.608 §180; 1965 c.290 §1]

**254.220 Drafting an explanatory statement of measure proposed by initiative or referendum.** (1) At least 90 days prior to any special election held on the date of a primary election or any general election at which any legislative or constitutional measure is to be submitted to the people of the state by initiative or referendum, the committee referred to in ORS 254.210 shall prepare for the particular measure and file as a public document with the Secretary of State, an impartial, simple and understandable statement explaining the measure and its effect. The statement shall not exceed 500 words. Any interested person may file suggested changes in the statement with the Secretary of State not later than 81 days prior to the election. On the basis of such suggestions, the committee shall make such changes in the statement as it deems proper. It shall file any revised statement with the Secretary of State not later than 75 days prior to the election. The original statement and any revised statement shall be concurred in and certified by the committee or at least two of its members. If one member of the committee does not concur, the statement shall show only that he dissents.

(2) The explanatory statement required for the voters' pamphlet for a special election held at a time other than the date of a primary election shall be prepared in the form and manner provided in subsection (1) of this section by a committee of citizens appointed as provided in ORS 254.210 except:

(a) Not later than 40 days before the special election, the Secretary of State shall appoint two members of the committee. If the third member of the committee has not been selected at least 38 days before the special election, the third member shall be appointed immediately by the Secretary of State.

(b) The explanatory statement shall be submitted not later than 35 days before the special election. Suggested changes in the statement shall not be accepted.

[Amended by 1957 c.608 §181; 1965 c.290 §2]

**254.290** [Repealed by 1957 c.608 §231]

## INITIATIVE AND REFERENDUM IN COUNTIES AND IN MUNICIPALITIES OTHER THAN CITIES

**254.310 Procedure in counties in the use of the initiative and referendum.** The people of every county are authorized to enact, amend or repeal all local laws for their county by the initiative and referendum process. The procedure to be followed is provided by ORS 254.030 to 254.070, 254.090 to 254.170, 254.320, 254.330 and 255.410 to 255.450, making effective the initiative and referendum powers reserved to the people by sections 1 and 1a, Article IV, Oregon Constitution, except that the cost of paper, printing, binding and distributing of measures and arguments in the voters' pamphlet shall be paid for by the persons or organizations filing arguments and the county in as nearly as possible the same manner as provided in ORS 254.130 with respect to municipal measures.

[Amended by 1957 c.608 §182; 1959 c.457 §8]

**254.320 Referendum on laws affecting counties, districts, ports or municipalities other than cities.** Any law enacted by the Legislative Assembly relating only to any county, district, port or municipal corporation, other than a city, may be referred to the people of such county, district, port or municipal corporation for their approval or rejection in the same manner as provided by law for the reference of general laws to the people of the entire state. However, when any law relates to one county or a district, port or municipal corporation, other than a city, situated wholly within one county, the county clerk shall be substituted for the Secretary of State, the district attorney for the Attorney General and the county judge or chairman of the board of county commissioners for the Governor. When such law affects any district, port or municipal corporation, other than a city, consisting of more than one county or situated in two or more counties, it shall be referred to the people of such district, port or municipal corporation in the manner provided for the reference of Acts affecting the entire state. However, the petition for it shall be signed only by the voters of such district, port or municipal corporation. In each case the percentage shall be computed on the vote at the preceding election in such county, district, port or municipal corporation for Supreme Court Judge.

[Amended by 1957 c.608 §183]

**254.330 Notice to Secretary of State of petition filed and certification of election result.** When any petition for the referendum is filed with any county clerk, as provided in ORS 254.320, he shall notify the Secretary of State of that fact. When the election on the referendum has been held and the vote canvassed, the county clerk shall certify the result to the Secretary of State.

[Amended by 1957 c.608 §184]

**254.340 Procedure for municipalities and districts in use of the initiative and referendum.** (1) Any municipality or district in exercising the powers of the initiative and referendum granted by sections 1 and 1a, Article IV, Oregon Constitution, shall follow the procedure in ORS 221.210, 221.310, 250.230, 254.030 to 254.100, 254.110 to 254.170, 254.320, 254.330, and 255.410 to 255.450 except that the cost of paper, printing, binding and distributing of measures and arguments in the voters' pamphlet shall be paid for by the persons or organizations filing arguments and the municipality or district in as nearly as possible the same manner as provided in ORS 254.130 with respect to municipal measures.

(2) When a county or any municipality or district situated solely within one county is exercising these powers, the county clerk shall be substituted for the Secretary of State, the district attorney for the Attorney General and the county judge or chairman of the board of county commissioners for the Governor; and appeals by those who may be dissatisfied with the ballot title shall be taken to the circuit court of the county.

(3) For the purposes of this section the term "municipality or district" includes ports and all other political subdivisions of the state.

[Amended by 1957 c.608 §185; 1959 c.457 §9]

### RECALL OF PUBLIC OFFICER

**254.410 Procedure for filing recall petitions; contributions and expenditures.** (1) Before any petition demanding the recall of a public officer is circulated for signatures, one or more sponsors of the petition shall sign and file it with the officer who is authorized to order the recall election. They shall also file with the signed petition a sworn statement by one of them giving the name and address of all contributors and members of their recall organization. However, any

association or organization that has been chartered or incorporated under the laws of Oregon and has been in existence for five years or more, prior to June 9, 1933, shall only be required to file the names of their officers and their fiscal agent as treasurer. They shall also file with the sworn statement an itemized statement of all contributions and expenditures in behalf of and in preparation for the recall before the date of the filing.

(2) From and after the date of the original filing no person, corporation or association shall contribute or expend any money for or against the recall except through the treasurer mentioned in ORS 254.440.

(3) Only registered electors are entitled to sign or file recall petitions.

[Amended by 1957 c.608 §186]

**254.420 Time for completing filing; verification of signatures; certain matter to be printed on petitions.** (1) Every recall petition shall be void unless completed and filed on or before the ninetieth day after filing the original petition and itemized statement mentioned in ORS 254.410.

(2) All provisions for verification of signatures on the initiative and referendum petitions required by ORS 254.040 are applicable and required for the verification of signatures on recall petitions.

(3) The words "Petition for recall of (name and title of officer)" and the date of the first filing required by ORS 254.410 shall be printed on the foot margin of every sheet of the recall petition.

**254.430 Delivery of verified sections of petition; duties of public officers in charge.** The county clerk, from day to day, as he verifies the signatures on recall petitions, shall deliver the verified parts or sections of the petitions to the officer with whom the completed petition is to be filed. The verified signature sheets and petitions shall not be returned to the recall sponsors nor to the circulators. It is the duty of the public officers in charge of the recall petitions and parts or sections thereof to answer citizens' questions from day to day concerning the number of verified signatures thereon.

**254.440 Appointment and duties of treasurer; record of contributions and disbursements.** (1) The sponsors or opposers of such recall shall appoint one person their

fiscal agent, as treasurer, whose proper and official address shall be designated on the petitions for the recall committee or recall organization. The treasurer shall keep an accurate record of all receipts and disbursements from the fund, together with vouchers and receipts for all items of disbursements in excess of \$10. This record shall be a public record and shall be subject to inspection by any state officer, or by the designated officer or agent of any person or association opposing such recall, at any time during usual office hours. The treasurer shall safely keep the records and receipts for six months following the recall election.

(2) No one but the person designated by the sponsors or opposers shall expend any money or value in support of the recall. No contribution from any corporation, committee or association shall be accepted by the treasurer unless there is filed with it a sworn statement, by an officer of the organization, giving the name and address of each person who paid more than \$10 of such contribution.

(3) All provisions of this section apply in like manner to contributions and expenditures of money in the campaign by or for defense of the officer whose recall is demanded.

**254.450 "Preceding election" explained; percentage of electors required.** The "preceding election" upon which the requisite number of recall petition signers shall be based is the preceding general election. The number of electors to be considered in determining the sufficiency of the petition is 25 percent of the total of the votes cast for all candidates for Judge of the Supreme Court for that position for which the greatest number of votes were cast at the election.

**254.460 Violation of ORS 254.410 to 254.450 invalidates petition.** Any wilful or intentional violation of ORS 254.410 to 254.450 by the sponsor or sponsors of the recall petition or by the treasurer shall render the petition void.

#### **PROHIBITIONS CONCERNING CIRCULATION, CERTIFICATION AND FILING OF INITIATIVE, REFERENDUM AND RECALL PETITIONS**

**254.510 Misrepresentation of contents or purport of petition.** No person circulating, as principal or agent, or having charge or

control of the circulation of, or obtaining signatures to, any petition authorized or provided for by the Constitution or laws of Oregon regulating or providing for the operation of the initiative, referendum or recall, shall misrepresent or make any false statement concerning the contents, purport or effect of any such petition to any person who signs, desires to sign, is requested to sign, who makes inquiry with reference to any such petition or to whom any such petition is presented for his signature.

**254.520 False statements for purpose of obtaining signatures.** No person shall wilfully or knowingly circulate, publish or exhibit any false statement or representation concerning the contents, purport or effect of any petition mentioned in ORS 254.510 to 254.580 for the purpose of obtaining any signature to any such petition or for the purpose of persuading any person to sign any such petition.

**254.530 Filing of petition bearing false or fraudulent signatures.** No person shall file in the office of the county clerk or other officer provided by law to receive such filing, any petition mentioned in ORS 254.510 to 254.580 to which is attached, appended or subscribed any signature which the person filing the petition knows to be false, fraudulent or not the genuine signature of the person purporting to sign the petition, or whose name is attached, appended or subscribed to it.

[Amended by 1957 c.608 §187]

**254.540 Circulation of petition containing forged or fictitious names.** No person shall circulate or cause to be circulated, any petition mentioned in ORS 254.510 to 254.580, knowing it to contain false, forged or fictitious names.

**254.550 Making of false affidavits concerning petition.** No person shall make any false affidavit concerning any petition mentioned in ORS 254.510 to 254.580, or the signatures appended to it.

**254.560 Making of false return or certification.** No public official or employe shall knowingly make any false return, certification or affidavit concerning any petition mentioned in ORS 254.510 to 254.580, or the signatures appended to it.

**254.570 Duplication of signatures; signing by unqualified person.** No person shall knowingly sign his own name more than once to any petition mentioned in ORS 254.510 to 254.580 or sign his name to any such petition knowing himself at the time of signing not to be qualified to sign it.

**254.580 Use of threats and intimidation for purpose of extorting money.** No person shall, for any pecuniary reward or consideration:

(1) Offer, propose, threaten or attempt to sell, hinder or delay any petition mentioned in ORS 254.510 to 254.580, any part thereof or any signatures thereon.

(2) Offer, propose or threaten to desist from beginning, promoting or circulating any petition mentioned in ORS 254.510 to 254.580, or soliciting signatures to any such petition.

(3) Offer, propose, attempt or threaten in any manner or form to use any petition mentioned in ORS 254.510 to 254.580 or any power of promotion or opposition concerning such petition in any manner or form for extortion, blackmail or secret or private intimidation of any person or business interest. [Amended by 1957 c.608 §188]

**254.590 Acceptance or giving of compensation for obtaining signatures.** No person shall give, pay or receive any money or other valuable consideration for securing signatures of electors upon any petition for the initiation of any measure or referendum on any measure or for the recall of any public officer.

**254.600 Sponsor of initiative or referendum petition to file statement of receipts and expenditures; effect of failure to file.**

(1) The sponsors of any initiative or referendum petition, at the time of filing their completed petition, shall file with it a statement showing the contributions and expenditures for the petition. This shall be verified

by the sponsor or sponsors filing the petition, giving the name and postoffice address of every contributor to the expense of the petition and the amount paid by each. The statement shall also contain the name and postoffice address of every person to whom, and for what service, any money was paid or promised on account of the petition or which is owed and to be paid.

(2) If such verified statement is not filed, as required by this section, the Secretary of State shall not place the measure petitioned for on the official ballot.

### PENALTIES

**254.990 Penalties.** (1) Violation of subsection (2) of ORS 254.160 is punishable, upon conviction, by a fine not exceeding \$500 or by imprisonment in the penitentiary not exceeding two years, or both.

(2) Violation of ORS 254.410 to 254.450, is punishable, upon conviction, by a fine not exceeding \$100 or imprisonment in the county jail not exceeding 60 days, or both.

(3) Violation of ORS 254.510 to 254.570, by any person, either as principal or agent, is punishable, upon conviction, by a fine not exceeding \$5,000 or imprisonment in the penitentiary or county jail not exceeding two years, or both such fine and imprisonment.

(4) Violation of ORS 254.580, by any person, either as principal or agent, is punishable, upon conviction, by a fine not exceeding \$5,000 and imprisonment in the penitentiary not exceeding two years.

(5) Violation of ORS 254.590 is punishable, upon conviction, by a fine of not less than \$50 or exceeding \$100 or imprisonment in the county jail for not less than 25 days or exceeding 50 days, or both.

(6) Violation of ORS 254.600 is punishable, upon conviction, by a fine not exceeding \$100 or imprisonment in the county jail not exceeding 30 days, or both.

### CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, 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 1, 1969.

Robert W. Lundy  
Legislative Counsel

# Chapter 255

## 1971 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 three 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 as prescribed by the Secretary of State. The background shown in the portrait cut shall be plain.

(a) "Bust" shall include the head, neck and shoulders of the candidate. It shall not include the hands or anything being held in the hands.

(b) A portrait cut shall not show the candidate wearing a hat of any description, a military uniform, a police uniform, a fraternal uniform or a judicial robe.

(3) "Typewritten statement" or "statement" does not include cuts, pictures, drawings or any other like illustrative material. [1957 c.608 §190; 1965 c.39 §1; 1971 c.733 §1]

**255.013 "City office" defined.** As used in this chapter, unless the context requires otherwise, "city office" means an office of a city having a population of 50,000 or more according to the most recent determination made under ORS 190.510 to 190.610. [1971 c.94 §2]

**255.015 Availability of candidate's material.** (1) The provisions of ORS 192.005 to 192.170 notwithstanding, voters' pamphlet material shall be available to the public as provided in subsection (2) of this section.

(2) After the 65th day prior to the date of the primary or general election the Secretary of State shall, upon request, make available voters' pamphlet material filed pursuant to the provisions contained in ORS 255.031 and subsections (1) and (2) of ORS 255.211. [1967 c.309 §2; 1969 c.401 §1; 1971 c.733 §4]

**255.018 Candidate's material inadmissible in action to enjoin publication of pamphlet.** Material submitted by a candidate for inclusion in any voters' pamphlet published by the Secretary of State shall not be admitted as evidence in any suit or action

against the Secretary of State to restrain or enjoin the publication of the voters' pamphlet.

[1967 c.309 §3]

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]

**255.027 Requirements for candidate's statements; Secretary of State to establish format and length of statements.** (1) The candidate's statement shall include a summary of the following: Date of birth, occupation, educational and occupational background, and prior governmental experience.

(2) The candidate may submit a statement setting forth the reasons why the candidate should be nominated or elected.

(3) The Secretary of State shall, by administrative rule, establish the format and length of the statement required in subsection (1) of this section.

[1971 c.733 §2]

**PRIMARY ELECTION PAMPHLET**

255.030 [Repealed by 1957 c.608 §231]

**255.031 Filing portrait cut and statement by or for candidate.** (1) Not later than the 68th 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, city 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; 1963 c.144 §1; 1969 c.82 §1; 1971 c.94 §6]

**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 ORS 255.011, 255.015 to 255.025, 255.031 to 255.450 and 255.990 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) Any office not provided for by paragraph (a) of this subsection, \$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; 1969 c.329 §1]

**255.060** [Repealed by 1957 c.608 §231]

**255.061 Preparing, printing, binding, delivery and distribution of pamphlets.** (1) Not later than the 59th day 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.

(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 later than the 15th day 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 placed in the 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; 1961 c.532 §1; 1969 c.83 §1; 1971 c.94 §7]

255.070 [Repealed by 1957 c.608 §231]

255.080 [Repealed by 1957 c.608 §231]

255.090 [Repealed by 1957 c.608 §231]

### GENERAL ELECTION PAMPHLET

255.210 [Repealed by 1957 c.608 §231]

**255.211 Filing portrait cuts and statements.** (1) Not later than the 70th day 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 state-wide basis and opposing or attacking the principles and candidates of other political parties or organizations on a state-wide 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.

(2) Not later than the 70th day before the regular biennial general election, any candidate nominated for election to the office of President or Vice President of the United States, United States Senator, Representative in Congress or any state or district office, when the district is composed of one or more counties, 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. A candidate for a county or city office may file a portrait cut and statement as provided by this subsection.

(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 and two pages of space for a statement filed under paragraph (b) of subsection (1) of this section. Each candidate who files portrait cuts and statements as provided in subsection (2) of ORS 255.031 shall be allowed space in the voters' pamphlet as provided in subsection (2) 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; 1961 c.49 §3; 1971 c.94 §3; 1971 c.733 §5]

**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 ORS 255.011, 255.015 to 255.025, 255.031 to 255.450 and 255.990 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 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.

(2) Each 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 or city 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; 1971 c.94 §4; 1971 c.733 §6]

255.240 [Repealed by 1957 c.608 §231]

**255.241 Preparing, printing, binding, delivery and distribution of pamphlets.** (1) Not later than the 59th day 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.

(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 later than the 15th day before the regular biennial general election, the Secretary of State shall cause a copy of the voters' pamphlet to be placed in the 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; 1961 c.532 §2; 1969 c.83 §2; 1971 c.94 §5]

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

255.260 [Repealed by 1957 c.608 §231]

255.310 [Repealed by 1963 c.160 §1]

## 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 later than the 15th day 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 placed in the 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; 1961 c.532 §3; 1969 c.83 §3]

255.420 [Repealed by 1957 c.608 §231]

**255.421 Filing arguments for or against initiative or referred measures.** (1) Not later than the 75th day before any special election held on the date of the primary election or any regular biennial general election at which an initiated measure is to be voted upon, the person or organization filing the initiative petition may file with the Secretary of State a typewritten argument advocating the measure. Any person or organization may file with the Secretary of State a typewritten argument opposing the measure. As provided for in paragraphs (a) and (b) of subsection (1) of ORS 255.450, the Secretary of State shall set aside one page each in the voters' pamphlet for which he shall neither make nor collect any charge. Other persons or organizations may file arguments in support of or in opposition to initiated measures as provided for in subsection (2) of ORS 255.450.

(2) Not later than the 75th day before any special election held on the date of the primary election or any regular biennial general 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 as provided for in ORS 255.450.

(3) Except as otherwise specifically provided in the referral order of the Legislative Assembly, not later than the 75th day before any special election held on the date of the primary election or any regular biennial general 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 one page 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; 1959 c.457 §5; 1961 c.49 §4; 1965 c.350 §1]

**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 ORS 255.011, 255.015 to 255.025, 255.031 to 255.450 and 255.990 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 re-

quest 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 Voters' pamphlet for measures submitted to special election not held at time of primary election.** For a special election held at a time other than the date of a primary election and except as otherwise specifically provided in the referral order of the Legislative Assembly:

(1) The Secretary of State shall set aside one page in the voters' pamphlet in which an argument in support of the proposed measure may be printed. 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, shall be appointed to prepare such argument and file same with the Secretary of State not later than 35 days before the date of the special election.

(2) The Secretary of State shall accept and file arguments in support of or in opposition to a referred measure as provided for in ORS 255.450. Arguments filed under this subsection shall be filed with the Secretary of State not later than 35 days before the date of the special election.

[1965 c.350 §2]

#### SUPPLEMENTAL BROADCASTS

**255.510 Radio and television broadcasts to supplement pamphlet.** The Secretary of State may supplement the voters' pamphlet required by ORS 255.410 by causing to have broadcast by radio and television, material specified in this section at such times and with such frequency as he determines suitable during the four weeks immediately preceding a special or general election at which proposed laws, Acts of the Legislative Assembly or parts thereof, or amendments to the Oregon Constitution are to be submitted to the people. The material provided by broadcast shall include only the following:

(1) The title or popular name of each proposed law, Act or part of an Act or amendment to the Constitution.

(2) The number and form in which the ballot title of the proposals in subsection (1) of this section will be printed on the official ballot.

(3) A summary of the explanatory statements prepared and filed under ORS 254.220 for each proposal on the ballot.

[1967 c.63 §2]

Note: ORS 255.510 was not added to and made a part of ORS chapter 255 by legislative action.

**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, Robert W. Lundy, 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 1, 1971.

Robert W. Lundy  
 Legislative Counsel

**CHAPTERS 256 AND 257**

**[Reserved for expansion]**