

Chapter 255

1975 REPLACEMENT PART

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INITIATIVE AND REFERENDUM PAMPHLETS

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GENERAL PROVISIONS

255.001 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" means a conventional photograph of the face or face and bust of a candidate, suitably prepared and processed for printing as prescribed by the Secretary of State, and the term does not include an informal snapshot or cartoon, caricature or similar representation.

(3) "Typewritten statement" or "statement" does not include pictures, drawings or any other like illustrative material.

[1973 c.155 s.2 (enacted in lieu of 255.011); 1975 c.766 s.21]

255.010[Repealed by 1957 c.608 s.231]

255.011[1957 c.608 s.190; 1965 c.39 s.1; 1971 c.733 s.1; repealed by 1973 c.155 s.1 (255.001 enacted in lieu of 255.011)]

255.013 "City office" defined. As used in this chapter, unless the context requires otherwise, "city office" means only the mayor or city councilman 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 s.2; 1973 c.264 s.1]

255.015 Availability of candidate's material. After the 65th day prior to the date of the primary or general election the Secretary of State shall, upon request, make available to any person voters' pamphlet material filed pursuant to the provisions contained in ORS 255.031 and subsections (1) and (2) of 255.211.

[1967 c.309 s.2; 1969 c.401 s.1; 1971 c.733 s.4; 1973 c.794 s.17]

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 s.3]

255.020[Repealed by 1957 c.608 s.231]

255.025 Information statement in voters' pamphlets. (1) 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, 255.410, 255.430 and 255.440 a plain and concise statement containing information on the following:

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

(b) When a voter is required to reregister.

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

(d) How a voter may obtain and use a certificate of registration.

(e) In the voters' pamphlet for the primary election, a statement of the duties and responsibilities of the precinct committeepersons to be elected at the primary election including a statement that the precinct committeepersons will elect the delegates to the national convention of the major political parties.

(2) The Secretary of State may include in the voters' pamphlet the following information:

(a) Maps depicting the boundary lines of senatorial and representative districts.

(b) Voter instructions, including the right of a voter to request a second ballot if his first ballot is spoiled, the right of a voter to take with him into the voting booth a sample ballot marked in advance to assist him and the right of a physically disabled voter to seek assistance of the election board clerks or someone of his own choosing in marking his ballot.

(3) The Secretary of State shall include a statement on the cover of the voters' pamphlet that the voters' pamphlet is the personal property of the recipient elector to assist him at the polls.

[1955 c.154 s.1; 1973 c.400 s.1; 1975 c.766 s.22]

255.027 Requirements for candidate's statements; Secretary of State to establish format and length of statements. (1) The candidate's statement shall begin with a summary of the following: 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 by rule shall

establish the format and length of the statement required in subsection (1) of this section.

[1971 c.733 s.2; 1975 c.766 s.6]

255.028 Portrait composition requirements. (1) The background shown in a portrait shall be plain.

(2) "Bust" as used in ORS 255.001 shall include the head, neck and shoulders of the candidate and shall not include the hands or anything being held in the hands.

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

[1973 c.155 s.4; 1975 c.766 s.23]

255.029 Recent nature, size and placement of portrait. (1) A candidate shall not submit for inclusion in a voters' pamphlet a portrait that was taken more than one year before the date of submission of the portrait.

(2) Each portrait submitted for inclusion in a voters' pamphlet shall be two inches in width and three inches in height. A portrait shall not be included in any voters' pamphlet if the portrait does not meet the requirements of this section.

(3) Each portrait which is included in a voters' pamphlet shall be uniformly placed on the upper left corner of the allotted space on which the portrait appears.

[1973 c.155 s.5; 1975 c.766 s.7]

PRIMARY ELECTION PAMPHLET

255.030[Repealed by 1957 c.608 s.231]

255.031 Filing portrait 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, national committeeman, national committeewoman, or any state, county, city or legislative office, or his political agent on his behalf, may file with the Secretary of State a portrait 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 designated under subsection (1) of this section to be voted for in the state at large or in a congressional district shall be allowed 59.6 square inches of space,

and each candidate for nomination or election to any other office designated under subsection (1) of this section shall be allowed 29.8 square inches of space in the voters' pamphlet. The space is allotted for the portrait and statement filed under subsection (1) of this section. If a portrait is not filed, the statement may cover the entire allotted space.

(3) On each allotted space of the voters' pamphlet containing any portrait or statement filed under subsection (1) of this section shall appear a statement indicating by whom such portrait or statement was furnished.

[1957 c.608 s.192; 1959 c.457 s.1; 1963 c.144 s.1; 1969 c.82 s.1; 1971 c.94 s.6; 1973 c.658 s.1; 1975 c.766 s.8; 1975 c.779 s.29]

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 255.001, 255.015 to 255.025, 255.031 to 255.410, 255.430, 255.440 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 s.193; 1959 c.457 s.2]

255.050[Amended by 1955 c.96 s.1; repealed by 1957 c.608 s.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 portraits and statements under ORS 255.031, the following fee per 29.8 square inches of space in the voters' pamphlet:

(a) President or Vice President of the United States, United States Senator, Representative in Congress, national committeeman, national committeewoman or any state office to be voted for in the state at large, \$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 29.8 square inches 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 portraits and statements, and in such event the portraits 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 s.194; 1959 c.457 s.3; 1969 c.329 s.1; 1975 c.766 s.9; 1975 c.779 s.30]

255.060[Repealed by 1957 c.608 s.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 portraits 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, portraits 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 voters' pamphlet shall separate candidates for partisan offices into sections according to political party. 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 both political parties to be placed in the mail to each post-office mailing address in Oregon, and shall use such additional means of distribution necessary to make copies of the voters' pamphlet available to all registered electors.

[1957 c.608 s.195; 1961 c.532 s.1; 1969 c.83 s.1; 1971 c.94 s.7; 1975 c.766 s.10]

255.070[Repealed by 1957 c.608 s.231]

255.080[Repealed by 1957 c.608 s.231]

255.090[Repealed by 1957 c.608 s.231]

GENERAL ELECTION PAMPHLET

255.210[Repealed by 1957 c.608 s.231]

255.211 Filing portraits 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 legislative office, may file with the Secretary of State a portrait 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 and statement as provided by this subsection.

(3) Each political party or organization having nominated candidates shall be allowed 119.2 square inches of space in the voters' pamphlet for a statement filed under paragraph (a) of subsection (1) of this section and 59.6 square inches of space for a statement filed under paragraph (b) of subsection

(1) of this section. Each candidate who files portraits 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 225.031.

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

[1957 c.608 s.197; 1961 c.49 s.3; 1971 c.94 s.3; 1971 c.733 s.5; 1973 c.658 s.2; 1975 c.766 s.11]

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 255.001, 255.015 to 255.025, 255.031 to 255.410, 255.430, 255.440 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 s.198]

255.230[Repealed by 1957 c.608 s.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 allotted space in the voters' pamphlet:

(a) The statement filed under paragraph (a) of subsection (1) of ORS 255.211, \$100 per 29.8 square inches.

(b) The statement filed under paragraph (b) of subsection (1) of ORS 255.211, \$50 per 29.8 square inches.

(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 portraits and statements under ORS 255.211, the following fee per 29.8 square inches 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, \$50.

(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 \$50 for 29.8 square inches 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 portraits and statements, and in such event the portraits 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 s.199; 1959 c.457 s.4; 1971 c.94 s.4; 1971 c.733 s.6; 1973 c.658 s.4; 1975 c.766 s.12]

255.240[Repealed by 1957 c.608 s.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 portraits 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, portraits 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 post-office mailing address in Oregon, and shall use such additional means of distribution necessary to make copies of the voters' pamphlet available to all registered electors.

[1957 c.608 s.200; 1961 c.532 s.2; 1969 c.83 s.2; 1971 c.94 s.5; 1975 c.766 s.13]

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

255.260[Repealed by 1957 c.608 s.231]

255.310[Repealed by 1963 c.160 s.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 254.222 and arguments filed under ORS 255.415.

(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 post-office mailing address in Oregon, and may use such additional means of distribution as he considers necessary or desirable to make copies of the voters' pamphlet available to all registered electors.

[Amended by 1953 c.359 s.4; 1957 c.608 s.201; 1961 c.532 s.3; 1969 c.83 s.3; 1975 c.766 s.14]

255.415 Filing arguments for or against initiative or referred measure; arguments subject to ORS 255.425 and 255.430. (1) Not later than 110 days before a special election held on the date of the primary or regular general election, or 70 days before a special election held on any other date, at which a measure is to be voted upon, any person may file with the Secretary of State a typewritten argument advocating or opposing the measure. The argument, subject to subsection (2) of this section, shall be printed on 29.8 square inches of the voters' pamphlet if the argument is accompanied by either a payment of \$300 or a petition in a form prescribed by the Secretary of State containing the signatures of 1,000 registered voters eligible to vote on the measure. Each person signing the petition shall subscribe to a statement that he has read the argument and subscribes thereto. The signatures on each petition shall be certified as to their genuineness by the county clerk in the same manner as provided in ORS 249.055. The petition shall be filed with the Secretary of State.

(2) An argument filed under this section shall be subject to the objection procedure of ORS 255.425 and the Secretary of State's power to reject certain arguments under ORS 255.430.

[1975 c.766 s.25]

255.418 Secretary of State to forward arguments to committee selected under ORS 254.210 or 254.222. When an argument relating to a measure is filed under ORS 255.415, the Secretary of State immediately shall forward a copy of the argument by certified mail to each member of the committee selected as provided by ORS 254.210 or 254.222.

[1975 c.766 s.18]

255.420[Repealed by 1957 c.608 s.231]

255.421[1957 c.608 s.203; 1959 c.457 s.5; 1961 c.49 s.4; 1965 c.350 s.1; repealed by 1973 c.712 s.5 (255.422 enacted in lieu of 255.421)]

255.422[1973 c.712 s.6 (enacted in lieu of 255.421); repealed by 1975 c.766 s.29]

255.425 Review of argument before printing in voters' pamphlet. Not later than five days after the argument has been filed, pursuant to ORS 255.415, the Secretary of State shall hold a hearing under ORS chapter 183 and by order decide whether any statement of fact is false or grossly misleading within five days after the hearing. A party to the hearing, within 10 days after the order is issued, may petition the Su-

preme Court to review an adverse order. The Supreme Court shall review the record of the hearing and hear arguments. The review of the Supreme Court shall be determined expeditiously as may be appropriate for orderly and timely circulation of the voters' pamphlet. If the statement of fact in the argument is false or grossly misleading the statement shall be deleted from the argument or the argument shall not be printed in the voters' pamphlet, whichever seems more appropriate.

[1975 c.766 s.17]

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 255.415, 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 255.001, 255.015 to 255.025, 255.031 to 255.410, 255.430, 255.440 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 s.204; 1975 c.766 s.26]

255.435 Author of argument to be included in voters' pamphlet. The name of a person who wrote an argument appearing in the voters' pamphlet with respect to a measure, and the name of the organization the person represents, if any, shall be included in the voters' pamphlet on the page of the printed argument.

[1975 c.766 s.2a]

255.440 Form for printing proposed constitutional amendment. The text of a proposed amendment to the Oregon Constitu-

tion 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.

[Amended by 1953 c.359 s.4; 1953 c.647 s.2; 1957 c.608 s.205; 1973 c.712 s.7]

255.450[Amended by 1957 c.608 s.206; 1959 c.457 s.6; repealed by 1973 c.712 s.8 (255.452 enacted in lieu of 255.450)]

255.452[1973 c.712 s.9 (enacted in lieu of 255.450); repealed by 1975 c.766 s.29]

255.460[Repealed by 1957 c.608 s.231]

255.465 Committee to prepare and file argument in support of referred measure. For any measure referred to the voters by the Legislative Assembly the Secretary of State shall set aside 29.8 square inches 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 it with the Secretary of State not later than 110 days before an election held on the date of the primary or regular general election, or 70 days before an election held on any other date, at which the measure is to be voted upon.

[1975 c.766 s.27]

255.470 [1965 c.350 s.2; 1975 c.766 s.16; repealed by 1975 c.766 s.29]

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 s.2]

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

PENALTIES

255.990 Penalties. (1) Whoever violates any provision of ORS 255.031 to 255.061 or 255.211 to 255.241, 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.

(2) Violation of subsection (1) of ORS 255.029 is a misdemeanor punishable by a fine not to exceed \$500.

[Amended by 1973 c.155 s.6]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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,
October 1, 1975.

Thomas G. Clifford
Legislative Counsel

CHAPTERS 256 AND 257

[Reserved for expansion]

