

Chapter 251

1981 REPLACEMENT PART

Voters' Pamphlet

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GENERALLY

251.005 Definitions. As used in this chapter:

(1) "Candidate" means an individual whose name is or is expected to be printed on the official ballot.

(2) "City office" means the office of 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.

(3) "County clerk" means the county clerk or the county official in charge of elections.

(4) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Constitution.

(5) "Measure" means any proposed law, an Act or part of an Act of the Legislative Assembly, revision of or amendment to the Oregon Constitution, local, special or municipal legislation, proposition or question submitted to the people for their approval or rejection at an election. [1979 c 190 §172; 1981 c 173 §28]

251.010 [Repealed by 1957 c 217 §9]

251.015 [1957 c 217 §1; 1979 c.190 §314; renumbered 258.006]

251.016 Disposition of fee. The Secretary of State shall pay fees received under this chapter into the General Fund. [1979 c 190 §173]

251.020 [Repealed by 1957 c.217 §9]

251.025 [1957 c.217 §2, 1979 c 190 §315, renumbered 258.016]

251.026 Information statement in voters' pamphlets. (1) The Secretary of State shall prepare and have printed in the state voters' pamphlet a statement containing the following information:

(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 a precinct committeeperson 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 shall include a statement on the cover of the voters' pamphlet that the pamphlet may be used to assist electors at the polls.

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

(a) Maps showing the boundaries of senatorial and representative districts.

(b) Voter instructions, including the right of a voter to request a second ballot if the first ballot is spoiled, the right of a voter to take into the voting booth a sample ballot marked in advance and the right of a physically disabled voter to seek assistance of the election board clerks or someone of the voter's own choosing in marking the ballot. [Formerly 255.025]

251.030 [Repealed by 1957 c 217 §9]

251.035 [1957 c 217 §3; 1979 c.190 §316, renumbered 258.026]

251.036 Map of metropolitan service district to be printed in certain pamphlets. The Secretary of State shall include in each voters' pamphlet, in which material of a candidate for nomination or election to the office of councilor or executive director of a metropolitan service district organized under ORS chapter 268 is printed, a map of the service district which illustrates the boundaries of each subdistrict. The map shall be printed immediately preceding the material of the candidates for councilor and executive director of the district. [1979 c.533 §6]

251.040 [Repealed by 1957 c 217 §9]

251.045 [1957 c.217 §4; 1975 c 675 §21; 1979 c 190 §317, renumbered 258.036]

251.046 Content of statements and arguments. Statements and arguments submitted for inclusion in a voters' pamphlet by a candidate, political party or assembly of electors, or a person supporting or opposing a measure shall consist only of words or numbers. [1979 c 190 §175]

251.050 [Repealed by 1957 c 217 §9]

251.055 Type of material to be excluded from pamphlet; liability for libel. (1) The Secretary of State shall reject any statement, argument or other matter offered for filing and printing in a voters' pamphlet which:

(a) Contains any obscene, profane, scandalous or defamatory language;

(b) Incites, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any person or group by reason of race, color, religion or manner of worship; or

(c) Contains any language which may not legally be circulated through the mails.

(2) Nothing in this chapter shall make the author of any statement or argument exempt from any civil or criminal action because of any defamatory statements offered for printing or contained in the voters' pamphlet. The persons writing, signing or offering a statement or argument for filing shall be deemed its authors and publishers. [Formerly 255 040]

251.060 [1957 c.217 §5; 1979 c.190 §318; renumbered 258 046]

251.065 Filing portrait and statement by or for candidate. (1) Not later than the 68th day before the primary election and the 70th day before the general election, any candidate for nomination or election at the next primary or general 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 councilor or executive officer of a metropolitan service district organized under ORS chapter 268, or an agent on behalf of the candidate, may file with the Secretary of State a portrait of the candidate and a typewritten statement of the reasons 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 to a candidate only in increments of 29.8 square inches. The space shall be used 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) The Secretary of State by rule shall establish the format and length of the statement permitted under this section. [Formerly 255 031, 1981 c 375 §1]

251.070 [1957 c 217 §6, 1979 c 190 §319, renumbered 258 055]

251.075 Portrait requirements. (1) A candidate shall not submit for inclusion in the voters' pamphlet a portrait that was taken more than one year before the date the portrait is filed with the Secretary of State.

(2) A portrait submitted for inclusion in the voters' pamphlet shall:

(a) Be a conventional photograph with a plain background;

(b) Show the face or the head, neck and shoulders of the candidate; and

(c) Be prepared and processed for printing as prescribed by the Secretary of State.

(3) A portrait submitted for inclusion in the voters' pamphlet shall not:

(a) Include the hands or anything held in the hands of the candidate;

(b) Show the candidate wearing a judicial robe, a hat or a military, police or fraternal uniform; and

(c) Show the uniform or insignia of any organization.

(4) The portrait of a candidate for nomination as councilor or executive officer of a metropolitan service district, when included in the primary election voters' pamphlet, shall be one and one-half inches high and one inch wide. Any other portrait shall be three inches high and two inches wide. Each portrait shall be placed in the upper left corner of the candidate's allotted space. [1979 c 190 §178, 1979 c 533 §2]

251.080 [1957 c.217 §7, 1969 c 617 §1, repealed by 1979 c 190 §431]

251.085 Format of candidate's statement. The candidate's statement shall begin with a summary of the following: Occupation, educational and occupational background, and prior governmental experience. [Formerly 255.027]

251.090 [1957 c 217 §8, 1973 c 197 §4; 1979 c 190 §322; renumbered 258 085]

251.095 Fees for space in voters' pamphlet. At the time of filing materials under ORS 251.065, each candidate for nomination or election to any of the following offices shall pay to the Secretary of State the following fee per 29.8 square inches of space in the voters' pamphlet:

(1) President or Vice President of the United States, United States Senator, Representative in Congress, national committeeman, national committeewoman or any other

office to be voted for in the state at large, \$150.

(2) Any other office for which 29.8 square inches is allotted, \$50. [Formerly 255 051, 1981 c 325 §2]

251.110 [Repealed by 1957 c 217 §9]

251.115 Statement of political party or assembly; fees. (1) Not later than the 70th day before the general election, the managing officers of any political party or assembly of electors having nominated candidates may file with the Secretary of State:

(a) A typewritten statement of arguments for the success of its principles and election of its candidates on a state-wide basis and opposing the principles and candidates of other political parties or organizations on a state-wide basis.

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

(2) The political party or assembly of electors 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 shall pay to the Secretary of State when filing the statement \$100 per 29.8 square inches. The political party or assembly of electors shall be allowed 59.6 square inches of space for a statement filed under paragraph (b) of subsection (1) of this section, and shall pay to the Secretary of State when filing the statement \$50 per 29.8 square inches. The space is allotted to a political party or an assembly of electors only in increments of 29.8 square inches. [Formerly 255.211]

251.120 [Repealed by 1957 c 217 §9]

251.125 Identification of portrait or statement. On each allotted space of the voters' pamphlet containing a portrait or statement filed by a candidate, political party or assembly of electors, the Secretary of State shall indicate who furnished the portrait or statement. [1979 c 190 §182]

251.130 [Repealed by 1957 c 217 §9]

251.135 Refund of filing fee. Not later than the last day for filing material for inclusion in a voters' pamphlet, the person who paid the filing fee may receive a refund from the Secretary of State. When a refund is made, the material for which the fee was paid

shall not be included in the pamphlet. [1979 c 190 §183]

251.140 [Repealed by 1957 c 217 §9]

251.145 Exemption from public records law. Notwithstanding ORS 192.410 to 192.500 relating to public records, materials filed by a political party, assembly of electors or candidate for inclusion in a voters' pamphlet are exempt from public inspection until the fourth day after the final date for filing the materials. [1979 c 190 §184]

251.150 [Repealed by 1957 c 217 §9]

251.155 Statements and arguments inadmissible in action to enjoin publication of pamphlet. Material submitted for inclusion in any voters' pamphlet 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. [Formerly 255 018]

251.160 [Repealed by 1957 c 217 §9]

251.165 Preparing, printing and binding of pamphlets. (1) Not later than the 59th day before the primary or general election, the Secretary of State shall deliver to the State Printer:

(a) A list of the names of candidates for nomination or election at the next primary or general election to the offices referred to in ORS 251.065, along with a designation of the offices for which the candidates are competing;

(b) All portraits and statements filed under ORS 251.065 and 251.115; and

(c) The information specified in ORS 251.185 relating to measures to be voted upon at the election for which the pamphlet is prepared.

(2) The items specified in subsection (1) of this section shall be properly compiled, edited, prepared and indexed for printing by the Secretary of State before delivery to the printer.

(3) The voters' pamphlet shall be prepared so that material relating to measures appears first, material of candidates for partisan offices appears next, and material of candidates for nonpartisan offices appears last. In the primary election pamphlet, all candidates of one major political party shall be grouped separately from all candidates of another major political party. The order in which the groups of candidates for the major political

parties appear shall be alternated for successive primary elections. If the pamphlet is printed on pages of 8-1/2 inches by 11 inches, material relating to candidates for different offices shall not appear on the same page of the pamphlet. When material of a candidate for the same office appears on a succeeding page, a statement shall be placed in the top margin of the pamphlet page indicating that material of additional candidates for the same office continues on the next page.

(4) The State Printer shall print and bind in pamphlet form the items delivered under subsection (1) of this section, and shall make as many copies of the voters' pamphlet as the Secretary of State estimates will be necessary. The State Printer shall complete delivery of the voters' pamphlets to the Secretary of State not later than the 20th day before the primary or general election for which the pamphlet has been prepared. [Formerly 255 061]

251.175 Distribution of pamphlet. Not later than the 15th day before a primary, general or special election for which a voters' pamphlet has been prepared, the Secretary of State shall cause the voters' pamphlet to be mailed to each post-office mailing address in Oregon, and shall use any additional means of distribution necessary to make the pamphlet available to electors. [1979 c 190 §187]

INITIATIVE AND REFERENDUM PAMPHLET

251.185 Voters' pamphlet to include measures, statements and arguments. The Secretary of State shall have printed in the voters' pamphlet for a general or special election a copy of the title and text of each state measure to be submitted to the people at the election for which the pamphlet was prepared. Each measure shall be printed in the pamphlet with the number, ballot title and the financial estimate under ORS 250.125, if any, to be printed on the official ballot, and with the explanatory statement and arguments filed relating to it. The Secretary of State also shall have printed in the voters' pamphlet any county measure, and ballot title, explanatory statement and arguments relating to it, filed by the county under ORS 251.285. [Formerly 255 410]

251.195 Form for printing proposed constitutional amendment. The text of a proposed amendment to the Oregon Constitution shall be printed in the voters' pamphlet to

indicate by the use of brackets the words that would be deleted from, and by italic type the words that would be added to, the existing provision. [Formerly 255.440]

251.205 Appointment of committee to draft explanatory statement of measure proposed by initiative or referendum. (1) Not later than the 120th day before a special election held on the date of a primary election or any general election at which a state measure is to be submitted to the people, a committee of five citizens shall be selected for each measure to prepare the explanatory statement under ORS 251.215. The proponents of the measure shall appoint two members to the committee and notify the Secretary of State of the selections. The Secretary of State shall appoint two members of the committee from among the opponents, if any, of the measure. Those four shall select the fifth member and notify the Secretary of State of the selection. If the four members have not selected the fifth member by the 110th day before the election, the fifth member shall be appointed by the Secretary of State. A vacancy shall be filled by the person who made the original appointment.

(2) As used in this section, "proponents" means:

(a) With respect to any state measure initiated or referred by petition, the chief petitioners; or

(b) With respect to a measure referred by the Legislative Assembly, a Senator appointed by the President of the Senate and a Representative appointed by the Speaker of the House. [Formerly 254 210]

251.215 Preparation and filing of explanatory statement of measure proposed by initiative or referendum. (1) Not later than the 100th day before a special election held on the date of a primary election or any general election at which any state measure is to be submitted to the people, the committee appointed under ORS 251.205 shall prepare and file with the Secretary of State, an impartial, simple and understandable statement explaining the measure and its effect. The statement shall not exceed 500 words.

(2) Not sooner than the 100th nor later than the 95th day before the election, the Secretary of State shall hold a hearing in Salem upon reasonable state-wide notice to receive suggested changes to any explanatory

statement. At the hearing any person may submit suggested changes orally or in writing. Written suggestions also may be submitted at any time before the hearing.

(3) The committee for each measure shall consider suggestions submitted under subsection (2) of this section, and may file a revised statement with the Secretary of State not later than the 90th day before the election. The original statement and any revised statement must be approved by at least three members of the committee. If a member does not concur, the statement shall show only that the member dissents. [Formerly 254.222]

251.225 Preparation and filing of explanatory statement by Legislative Counsel Committee; when considered explanatory statement of measure. (1) The Legislative Counsel Committee shall prepare an impartial, simple and understandable statement of not more than 500 words explaining each state measure and its effect. The statement shall be filed with the Secretary of State not later than the last day for filing a statement prepared under ORS 251.215.

(2) If an explanatory statement is not filed by a committee under ORS 251.215, the statement of the Legislative Counsel Committee shall be the explanatory statement of the measure, and shall be subject to the provisions of ORS 251.215. [Formerly 254.225]

251.235 Court review of ballot measure explanation. Any person dissatisfied with an explanatory statement for which suggestions were offered at the Secretary of State's hearing under ORS 251.215, may petition the Supreme Court seeking a different statement and stating the reasons the statement filed with the court is insufficient or unclear. If the petition is filed not later than the fifth day after the deadline for filing a revised statement with the Secretary of State, the court shall review the statement, hear arguments and certify an explanatory statement to the Secretary of State. The review by the Supreme Court shall be conducted expeditiously to insure the orderly and timely conduct of the election at which the measure is to be submitted to the voters. The statement certified by the court shall be the explanatory statement printed in the voters' pamphlet. [Formerly 254.230]

251.245 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 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 of Representatives, shall be appointed to prepare the argument. The committee shall file the argument with the Secretary of State not later than the 110th day before an election held on the date of the primary or general election. [Formerly 255.465]

251.255 Filing arguments for or against initiated or referred measure. Not later than the 95th day before a general election or a special election held on the date of the primary election at which a state-wide measure is to be voted upon, any person may file with the Secretary of State a typewritten argument supporting or opposing the measure. The argument 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 electors eligible to vote on the measure. Each person signing the petition shall subscribe to a statement that the person has read and agrees with the argument. The signatures on each petition shall be certified by the county clerk in the manner provided in ORS 249.008. The petition shall be filed with the Secretary of State. [Formerly 255.415]

251.265 Author of argument, author's organization, and disclaimer to be included in voters' pamphlet. The Secretary of State shall include in the voters' pamphlet on the page of the printed argument on a measure the name of the person who submitted the argument, the name of the organization the person represents, if any, whether the argument supports or opposes the measure, and a disclaimer in substantially the following form:

The printing of this argument does not constitute an endorsement by the State of Oregon, nor does the state warrant the accuracy or truth of any statement made in the argument.

[Formerly 255.435]

251.275 Secretary of State to forward arguments to committee selected under ORS 251.205 or 251.215. When an argument relating to a measure is filed, the Secretary of State immediately shall send a copy of the argument by certified mail to each member of the committee selected to prepare the explanatory statement under ORS 251.205 or 251.215. [Formerly 255 418]

251.285 Requirements for inclusion of county measure in voters' pamphlet. (1) The Secretary of State shall have printed in the voters' pamphlet prepared for a general or special election any county measure, and the ballot title, explanatory statement and arguments relating to the measure, if the requirements of this section are satisfied.

(2) The county measure, ballot title, explanatory statement and arguments shall not be printed in the voters' pamphlet unless:

(a) The ballot title is a concise and impartial statement of the purpose of the measure;

(b) The explanatory statement is an impartial, simple and understandable statement explaining the measure and its effect;

(c) The county adopts and complies with an ordinance that provides a review procedure for a ballot title or explanatory statement which is contested because it does not comply with the requirements of paragraph (a) or (b) of this subsection;

(d) The county adopts and complies with an ordinance that provides for acceptance of typewritten arguments relating to the measure to be printed on 29.8 square inches of the voters' pamphlet; and

(e) The county does not require of a person filing an argument a payment of more than \$300, or a petition containing more than a number of signatures equal to 1,000 electors eligible to vote on the measure or 10 percent of the total of such electors, whichever is less.

(3) Any judicial review of a determination made under the review procedures adopted under paragraph (c) of subsection (2) of this section shall be first and finally in the circuit court of the judicial district in which the county is located.

(4) If the county has adopted and complied with ordinances prescribed in subsection (2) of this section, the decision to include the county measure, ballot title, explanatory statement and arguments in the voters' pamphlet shall be made by:

(a) The county governing body with regard to any county measure;

(b) The chief petitioners of the initiative or referendum with regard to a county measure initiated or referred by the people. The chief petitioners shall indicate their decision in a statement signed by all of the chief petitioners and filed with the county clerk; or

(c) A political committee, as defined in ORS 260.005, that opposes the county measure. The committee shall indicate its decision in a statement signed by every committee director, as defined in ORS 260.005, and filed with the county clerk.

(5) The county shall file the measure, ballot title, explanatory statement and arguments with the Secretary of State not later than the 70th day before the election. The county shall pay to the Secretary of State the cost of including the county material in the pamphlet as determined by the secretary. The Secretary of State shall not have this material printed in the pamphlet unless:

(a) The time for filing a petition for judicial review of a determination made under paragraph (c) of subsection (2) of this section has passed; and

(b) The measure, title, statement and arguments properly filed with the county, are delivered to the secretary. [Formerly 255 455, 1981 c 173 §29]

251.295 Radio and television broadcasts to supplement pamphlet. The Secretary of State, pursuant to ORS 193.310 to 193.360, may supplement the special or general election voters' pamphlet by causing to have broadcast by radio or television, material specified in this section at times the secretary determines suitable during the four weeks immediately preceding the election at which state measures are to be submitted to the people. The material provided by broadcast shall include only the following:

(1) The ballot title or popular name of each state measure.

(2) The number and form in which the ballot title of the state measures will be printed on the official ballot.

(3) A summary of the explanatory statements filed relating to each state measure.

[Formerly 255 510]

251.310 [Repealed by 1957 c 217 §9]

251.320 [Repealed by 1957 c 217 §9]

251.330 [Repealed by 1957 c 217 §9]

- 251.340** [Repealed by 1957 c.217 §9]
- 251.350** [Repealed by 1957 c 217 §9]
- 251.360** [Repealed by 1957 c 217 §9]
- 251.370** [Repealed by 1957 c.217 §9]
- 251.380** [Repealed by 1957 c 217 §9]
- 251.390** [Repealed by 1957 c 217 §9]
- 251.400** [Repealed by 1957 c 217 §9]
- 251.410** [Repealed by 1957 c 217 §9]
- 251.420** [Repealed by 1957 c 217 §9]
- 251.510** [1955 c 498 §1; 1957 c 218 §1, 1973 c.657 §5, repealed by 1979 c.190 §431]
- 251.520** [1955 c 498 §2; 1957 c 218 §2; 1963 c 351 §4; 1965 c 124 §1; 1975 c 675 §22; 1979 c 190 §324; renumbered 258 161]
- 251.530** [1955 c 498 §3, repealed by 1957 c 218 §11]
- 251.540** [1955 c.498 §5, 1963 c.351 §5; 1979 c 190 §326, renumbered 258.181]
- 251.550** [1955 c 498 §4; 1957 c 218 §3, 1963 c 351 §6; 1965 c 124 §2; 1975 c 675 §23, 1979 c 190 §327, renumbered 258 190]
- 251.560** [1955 c 498 §6; 1957 c 218 §4; 1963 c 351 §7; 1975 c 675 §24; 1979 c 190 §328, renumbered 258.200]
- 251.570** [1955 c 498 §7; 1957 c 218 §5, 1979 c 190 §329, renumbered 258 211]
- 251.580** [1955 c 498 §8, 1957 c.218 §6; 1965 c.124 §3; 1969 c 462 §1; repealed by 1979 c 190 §431]
- 251.590** [1955 c 498 §9, 1957 c.218 §7, 1963 c.351 §8; 1979 c 190 §330, renumbered 258 221]
- 251.600** [1955 c 498 §10, 1957 c.218 §8; 1963 c 351 §9; 1979 c 190 §332, renumbered 258.241]
- 251.610** [1955 c.498 §11, 1957 c 218 §9; 1963 c.351 §10, 1971 c 743 §348; 1979 c 190 §333; renumbered 258 250]
- 251.615** [1963 c 351 §3; 1979 c 190 §335; renumbered 258 270]
- 251.620** [1955 c.498 §14, 1957 c 218 §10; 1973 c 657 §6; repealed by 1979 c 190 §431]
- 251.625** [1963 c 351 §2; 1979 c 190 §323; renumbered 258.150]
- 251.630** [1969 c 272 §2; 1979 c 190 §331, renumbered 258 231]
- 251.635** [1969 c 272 §3, 1979 c 190 §334; renumbered 258 260]
- 251.640** [1973 c 657 §2; 1975 c 675 §25; 1979 c 190 §336; renumbered 258.280]
- 251.645** [1973 c.657 §3; 1975 c.675 §26, 1979 c.190 §337, renumbered 258 290]
- 251.650** [1973 c 657 §4, 1979 c.190 §338, renumbered 258 300]

PENALTIES

251.990 [1955 c 498 §15; repealed by 1979 c.190 §431]

251.991 Penalties. Violation of ORS 251.016, 251.055, 251.075, 251.125, 251.165 or 251.175 is punishable by a fine of not more than \$250. [Formerly 255.990]

