

Chapter 251

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Voters' Pamphlet

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COUNTY VOTERS' PAMPHLET

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CROSS REFERENCES

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- Election offenses, Ch. 260
- Materials and papers, time allowed for receipt, 246.021
- Reservation to the people of the powers of initiative and referendum, Const. Art. IV, §1
- 251.185 to 251.245
- County initiative and referendum powers, 250.155 to 250.235
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- Estimated financial effect of state measure to be printed in voters' pamphlet, 250.125
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ELECTIONS

STATE VOTERS' PAMPHLET 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, city auditor, city councilman or municipal judge 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" includes any of the following submitted to the people for their approval or rejection at an election:

(a) A proposed law.

(b) An Act or part of an Act of the Legislative Assembly.

(c) A revision of or amendment to the Oregon Constitution.

(d) Local, special or municipal legislation.

(e) A proposition or question. [1979 c.190 §172; 1981 c.173 §28, 1983 c.123 §1, 1983 c.392 §4; 1987 c.432 §1]

251.010 [Repealed by 1957 c.217 §9]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251.020 [Repealed by 1957 c.217 §9]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 an elector.

(b) When an elector is required to reregister.

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

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

Note: The amendments to 251.026 by section 24, chapter 267, Oregon Laws 1987, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience

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

(a) Requirements for a citizen to qualify as an elector.

(b) When an elector is required to reregister.

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

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

(e) In the voters' pamphlet for the biennial primary election, a statement of the duties and responsibilities of a precinct committeeperson to be elected at the biennial 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) Elector instructions, including the right of an elector to request a second ballot if the first ballot is spoiled, the right of an elector to take into the voting booth a sample ballot marked in advance and the right of a physically disabled elector to seek assistance of the election board clerks or someone of the elector's own choosing in marking the ballot.

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]

251.049 Names of persons or organizations excluded from arguments and statements; exceptions. (1) Except as provided in subsection (2) of this section, the Secretary of State shall not print the name of any person or organization in any argument supporting or opposing any measure or any statement of any candidate, political party or assembly of electors filed for inclusion in the voters' pamphlet, if the name of the person or organization is cited as supporting or indorsing the argument or statement.

(2) The Secretary of State may print the name of a person or organization in an argument or statement submitted for inclusion in the voters' pamphlet as supporting or indorsing the argument or statement if:

(a) Not later than the fifth day following the deadline for filing an argument or statement with the Secretary of State, the secretary receives a notarized statement signed by the person, or by an authorized person on behalf of an organization, stating that the person consents to the use of the name of the person or organization; or

(b) The name of a person or organization is used with a quotation made by the person on behalf of the person or by an authorized person on behalf of an organization, the quotation was disseminated to the public prior to its inclusion in the argument or statement and the quotation is identified by its source and date. [1987 c.724 §2]

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, any state office other than justice of the peace, county, any 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) 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, 1983 c.567 §13; 1985 c.808 §30]

Note: The amendments to 251 065 by section 25, chapter 267, Oregon Laws 1987, and section 9, chapter 503, Oregon Laws 1989, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

251.065. (1) Not later than the 68th day before the biennial primary election, any candidate for nomination or election at the biennial primary election to the office of President or Vice President of the United States if a presidential primary election is not held as provided in section 81, chapter 267, Oregon Laws 1987, United States Senator, Representative in Congress, any state office other than justice of the peace, county, any 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) Not later than the 70th day before the general election, any candidate for election at the general election to the office of President or Vice President of the United States, United States Senator, Representative in Congress, any state office other than justice of the peace, county, any 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 elected.

(3) The Secretary of State by rule shall establish the format and length of the statement permitted under this section.

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 two years 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 printed in the voters' pamphlet 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; 1985 c.808 §30a; 1987 c.707 §11]

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; use of space. (1) 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 for space in the voters' pamphlet:

(a) President or Vice President of the United States, United States Senator or Representative in Congress, \$500 for 59.6 square inches of space.

(b) Any state office to be voted for in the state at large, \$300 for 59.6 square inches of space.

(c) State Senator, State Representative or any other office, \$100 for 29.8 square inches of space.

(2) The space allotted to each candidate shall be used for the portrait and statement filed under ORS 251.065. If a portrait is not filed, the statement may cover the entire allotted space. The length of the statement shall be limited as follows:

(a) Not more than 325 words for 29.8 square inches of space.

(b) Not more than 900 words for 59.6 square inches of space. [Formerly 255.051, 1931 c.325 §2, 1983 c.567 §14; 1985 c.808 §30b, 1987 c.707 §12]

251.110 [Repealed by 1957 c.217 §9]

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

(2) Not later than the 70th day before the general election, the managing officers of any less than state-wide political party or assembly of electors having nominated candidates may file with the Secretary of State 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.

(3) 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 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 subsection (2) of this section, and shall pay to the Secretary of State when filing the statement \$100 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; 1987 c.707 §13; 1989 c.503 §10]

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 192.505 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 of President or Vice President of the United States, United States Senator, Representative in Congress, and any state office other than justice of the peace, 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; 1987 c.707 §14]

Note: The amendments to 251.165 by section 28, chapter 267, Oregon Laws 1987, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

251.165. (1) Not later than the 59th day before the biennial 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 biennial primary or general election to the offices of President or Vice President of the United States, United States Senator, Representative in Congress, and any state office other than justice of the peace, 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) If a special election on a state measure is to be held on the date of a presidential primary election, not later than the 59th day before the election, the Secretary of State shall deliver to the State Printer the information specified in ORS 251.185 relating to measures to be voted upon at the election.

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

(4) 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 biennial 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 biennial 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.

(5) The State Printer shall print and bind in pamphlet form the items delivered under subsection (1) or (2) 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 biennial primary or general election and not later than the 20th day before any other special election for which a pamphlet has been prepared.

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]

Note: The amendments to 251.175 by section 29, chapter 267, Oregon Laws 1987, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

251.175. Not later than the 15th day before a biennial 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.

STATE 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]

Note: The amendments to 251.185 by section 30, chapter 267, Oregon Laws 1987, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

251.185. 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 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.

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 and italic type the words that would be deleted from, and by boldface type the words that would be added to, the existing provision. [Formerly 255.440, 1989 c.503 §11]

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, the President of the Senate, who shall appoint a Senator, and the Speaker of the House, who shall appoint a Representative.

(3) With respect to a measure referred by the Legislative Assembly, a Senator or Representative appointed under subsection (1) of this section may disclose whether the Senator or Representative supports or opposes the state measure. The Secretary of State shall print the disclosure in the voters' pamphlet following the explanatory statement. [Formerly 254.210; 1987 c.707 §15]

Note: The amendments to 251.205 by section 31, chapter 267, Oregon Laws 1987, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

251.205. (1) Not later than the 120th day before a special election held on the date of the applicable 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, the President of the Senate, who shall appoint a Senator, and the Speaker of the House, who shall appoint a Representative

(3) With respect to a measure referred by the Legislative Assembly, a Senator or Representative appointed under subsection (1) of this section may disclose whether the Senator or Representative supports or opposes the state measure. The Secretary of State shall print the disclosure in the voters' pamphlet following the explanatory statement.

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]

Note: The amendments to 251.215 by section 32, chapter 267, Oregon Laws 1987, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

251.215. (1) Not later than the 100th day before a special election held on the date of the applicable 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.

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 electors. 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 electors 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]

Note: The amendments to 251.245 by section 33, chapter 267, Oregon Laws 1987, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

251.245. For any measure referred to the electors 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 presidential or biennial primary or general election.

251.255 Filing arguments for or against initiated or referred measure. Not later than the 70th day before a general election or the 68th day before a special election held on the date of any 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, 1989 c.646 §1]

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 or metropolitan service district 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 or any measure of a metropolitan service district organized under ORS chapter 268, and the ballot title, explanatory statement and arguments relating to the measure, if the requirements of this section are satisfied.

(2) The county or district 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 or metropolitan service district 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 or metropolitan service district 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 or metropolitan service district 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 or, for a district measure, in the circuit court for the most populous county situated within the metropolitan service district.

(4) If the county or metropolitan service district has adopted and complied with ordinances prescribed in subsection (2) of this section, the decision to include the county or district 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 or the council of the metropolitan service district with regard to any district measure;

(b) The chief petitioners of the initiative or referendum with regard to a county or district 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, for a district measure, with the executive officer of the metropolitan service district; or

(c) A political committee, as defined in ORS 260.005, that opposes the county or district 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 or, for a district measure, with the executive officer of the metropolitan service district.

(5) The county or metropolitan service district 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 or district shall pay to the Secretary of State the cost of including the county or district 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 or metropolitan service district, are delivered to the secretary. [Formerly 255.455; 1981 c.173 §29; 1989 c.250 §1]

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]

COUNTY VOTERS' PAMPHLET

Note: Sections 2 to 17, chapter 1031, Oregon Laws 1989, provide:

Sec. 2. The county clerk of any county may prepare, print and distribute a county voters' pamphlet for each election held on the fourth Tuesday in March. [1989 c.1031 §2]

Sec. 3. (1) If a county produces a county voters' pamphlet, the county voters' pamphlet shall include, when applicable, at least the following information:

(a) A sample ballot containing the names of candidates for all offices appearing on the ballot, and the ballot titles of all measures appearing on the ballot in the county.

(b) Requirements for a citizen to qualify as an elector.

(c) Requirements for registration and reregistration.

(d) Instructions as to how an elector may obtain and use:

(A) An absentee ballot, and

(B) A certificate of registration.

(e) A statement that the voters' pamphlet may be used to assist electors at the polls.

(f) Elector instructions, including the right of an elector to request a second ballot if the first ballot is spoiled, the right of an elector to take into the voting booth a sample ballot marked in advance and the right of a physically disabled elector to seek assistance of the election board clerks or someone of the elector's own choosing in marking the ballot.

(g) The hours that the county elections office or other polling places are open

(h) Any portraits and statements of candidates submitted in accordance with the provisions of this 1989 Act.

(i) Any ballot titles, explanatory statements and arguments submitted in accordance with the provisions of this 1989 Act.

(j) Notice to electors of whether the election will be conducted by mail or at the polls, and if the election is to be at the polls, a listing of the polling places.

(k) Such other information as the county clerk considers to be appropriate or necessary to inform the voters.

(2) The county clerk shall mail or otherwise distribute the county voters' pamphlet not later than the seventh day before the election or the last day for mailing ballots if the election is conducted by mail. [1989 c.1031 §3]

Sec. 4. (1) The Secretary of State by rule shall adopt a schedule and procedures for preparing, printing and distributing county voters' pamphlets. The schedule

and procedures shall include but not be limited to deadlines for filing material for the voters' pamphlet, and except as otherwise provided by law, the format of material to be submitted and the size and other requirements applicable to candidate portraits.

(2) The Secretary of State by rule shall adopt a schedule of fees to be charged by the county clerks for including portraits of candidates, statements and arguments in the voters' pamphlet. The fees need not reflect the actual cost of producing the voters' pamphlet. The county clerk shall refund the filing fee to any person who applies for the refund not later than the last day for filing material for inclusion in the voters' pamphlet. When a refund is made, the material for which the fee was paid shall not be included in the pamphlet. [1989 c.1031 §4]

Sec. 5. (1) Not later than the date specified by the Secretary of State, any candidate for election to county, city or special district office within the county, or an agent of the candidate, may file with the county clerk of a county that prepares a county voters' pamphlet a portrait of the candidate and a typewritten statement of the reasons the candidate should be elected. The portrait and statement must comply with the applicable rules of the Secretary of State. The county clerk shall not accept the filing of a statement or portrait of any candidate unless the filing is accompanied by the appropriate fee as prescribed by the Secretary of State.

(2) As used in this section, "district" has the meaning given that term in ORS 255.012. [1989 c.1031 §5]

Sec. 6. (1) Not later than the date specified by the Secretary of State, in a county that prepares a county voters' pamphlet, the governing body for any electoral district that has referred a measure to the voters may submit an impartial, simple and understandable statement explaining the measure and its effect.

(2) If a statement is not prepared under subsection (1) of this section or the measure is an initiative measure or a measure referred by petition, the statement described in subsection (1) of this section shall be prepared and submitted by the official responsible for drafting the ballot title for initiative measures.

(3) The Secretary of State shall by rule establish:

(a) A process for any elector eligible to vote on the measure to challenge the statement authorized by this section; and

(b) An administrative process to address any challenge filed under this section. [1989 c.1031 §6]

Sec. 7. (1) Not later than the date specified by the Secretary of State by rule, in a county that prepares a county voters' pamphlet, any person may file with the county clerk a typewritten argument supporting or opposing any measure to be submitted to the voters on the ballot. The county clerk shall not accept any arguments which are not accompanied by the fee established by the Secretary of State or a petition in a form prescribed by the Secretary of State. A petition shall contain the signatures of at least four percent of the electors in the county eligible to vote on the measure to which the argument refers, or the signatures of 1,000 electors in the county eligible to vote on the measure to which the argument refers, whichever is less. The number of registered electors in an electoral district, for the purposes of this section, shall be calculated on January 1 of each year. 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 county clerk.

(2) The county clerk shall include in the county voters' pamphlet, on the page of the printed argument, 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 that the argument does not constitute an indorsement by the county and that the county does not warrant the accuracy or truth of any statement made in the argument. [1989 c.1031 §7]

Sec. 8. (1) Any county clerk preparing, printing and distributing a county voters' pamphlet may apportion the cost of preparing, printing and distributing the county voters' pamphlet as a cost of the election according to the formula established by the Secretary of State for the allocation of election costs. The apportioned election costs shall be reduced for each electoral district by the amount of any revenue received by the county clerk from the submission of candidate portraits, statements and arguments for that electoral district.

(2) Any revenue collected by the county clerk from the submission of candidate portraits, statements or arguments for any electoral district which may exceed the apportioned cost of the election for that electoral district shall be applied to reduce the shared costs of the election for all remaining electoral districts. [1989 c.1031 §8]

Sec. 9. Section 8 of this 1989 Act does not apply to any special district for which the county clerk is required to hold elections if the special district demonstrates to the satisfaction of the county clerk that the special district is unable to pay the apportioned expenses of the voters' pamphlet as determined under section 8 of this 1989 Act. If the special district is unable to pay, the expenses apportioned to that district may be apportioned among the other electoral districts participating in the election. [1989 c.1031 §9]

Sec. 10. As used in sections 6 to 9 of this 1989 Act, "electoral district" means the county or a city, or district as defined in ORS 255.012 located within the county. [1989 c.1031 §10]

Sec. 11. Statements and arguments submitted for inclusion in a county 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. [1989 c.1031 §11]

Sec. 12. (1) Except as provided in subsection (2) of this section, the county clerk shall not print the name of any person or organization in any argument supporting or opposing any measure or any statement of any candidate, filed for inclusion in a county voters' pamphlet, if the name of the person or organization is cited as supporting or indorsing the argument or statement.

(2) The county clerk may print the name of a person or organization in an argument or statement submitted for inclusion in a county voters' pamphlet as supporting or indorsing the argument or statement if:

(a) Not later than the fifth day following the deadline for filing an argument or statement with the county clerk, the county clerk receives a notarized statement signed by the person, or by an authorized person on behalf of an organization, stating that the person consents to the use of the name of the person or organization; or

(b) The name of a person or organization is used with a quotation made by the person on behalf of the person or by an authorized person on behalf of an organization, the quotation was disseminated to the public prior to its inclusion in the argument or statement and the quotation is identified by its source and date. [1989 c.1031 §12]

Sec. 13. (1) The county clerk shall reject any statement, argument or other matter offered for filing and printing in a county 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. [1989 c.1031 §13]

Sec. 14. The candidate's statement in a county voters' pamphlet shall begin with a summary of the following. Occupation, educational and occupational background, and prior governmental experience. [1989 c.1031 §14]

Sec. 15. Notwithstanding ORS 192.410 to 192.505 relating to public records, materials filed by a candidate for inclusion in a county voters' pamphlet are exempt from public inspection until the fourth day after the final date for filing the materials. [1989 c.1031 §15]

Sec. 16. Material submitted for inclusion in any state or county voters' pamphlet shall not be admitted as evidence in any suit or action against the county clerk to restrain or enjoin the publication of the voters' pamphlet. [1989 c.1031 §16]

Sec. 17. This Act is repealed July 1, 1991. [1989 c.1031 §17]

Note: Sections 6 and 7, chapter 773, Oregon Laws 1989, provide:

Sec. 6. (1) Subject to subsection (2) of this section, if a county produces a county voters' pamphlet for any election, the name and address of the county clerk shall be published in the county voters' pamphlet. In a county where the county official in charge of elections is not an elected official, and the county governing body has directed the production of a county voters' pamphlet, the names and addresses of the members of the county governing body shall also be published in the county voters' pamphlet.

(2) If the county clerk or a member of the county governing body referred to in subsection (1) of this section is also a candidate for nomination or election at the election for which the county voters' pamphlet is produced, and the office to which the county clerk or member of the county governing body seeks nomination or election is included in the county voters' pamphlet, the name of the county clerk or member of the county governing body shall be included in the county voters' pamphlet only as follows:

(a) Once under subsection (1) of this section; and

(b) In any other place in the county voters' pamphlet where the name of any candidate may appear. [1989 c.773 §6]

Sec. 7. Section 6 of this Act is repealed July 1, 1991. [1989 c.773 §7]

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]

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

251.991 [Formerly 255.990; repealed by 1987 c.718 §5]