

Chapter 255

Voters' Pamphlets

255.015

ATTY. GEN. OPINIONS: Availability of statement for public inspection (1968) Vol 34, p 306.

255.031

NOTES OF DECISIONS

Under former similar statute, a picture of a statue was appropriate for the voter's pamphlet to support an individual candidate. *Lafferty v. Newbry* (1954) 200 Or 685, 268 P2d 589.

ATTY. GEN. OPINIONS: Number of pages of space a candidate nominated by more than one political party entitled to, 1928-30, p 3; publication of primary election pamphlets containing statements of candidates for nomination as Congressmen, 1932-34, p 677; who may file statements and portrait cuts of candidates, 1934-36, p 84; acceptance of statements of judicial candidates and their inclusion in pamphlets mailed to members of political parties, 1934-36, p 701; candidate inserting in the voters' pamphlet a picture of himself in the uniform of the United States Army, 1944-46, p 404; inserting in pamphlet statements received after time limited, 1946-48, p 54; deadline for filing opposition statements, 1956-58, p 255; sufficiency of filing when check is returned "not sufficient funds" after filing deadline, 1958-60, p 372; when mailed document is delivered, 1966-68, p 555.

255.040

NOTES OF DECISIONS

The Secretary of State does not have authority to refuse to publish material in the Voters' Pamphlet on the ground that it is irrelevant. *Lafferty v. Newbry*, (1954) 200 Or 685, 268 P2d 589.

A picture of a statue is appropriate for the Voters' Pamphlet to support an individual candidate. *Id.*

ATTY. GEN. OPINIONS: Voters' Pamphlet material that may be rejected, 1966-68, p 53.

255.051

ATTY. GEN. OPINIONS: Sufficiency of filing when check is returned "not sufficient funds" after filing deadline, 1958-60, p 372; fee for space in Voters' Pamphlet applicable to district attorney, 1958-60, p 88.

255.061

ATTY. GEN. OPINIONS: Acceptance by Secretary of State of statements of judicial candidates and their inclusion in pamphlets mailed to members of political parties, 1934-36, p 701.

255.211 to 255.241

ATTY. GEN. OPINIONS: Death of candidate immediately prior to general election, 1960-62, p 84.

255.211

NOTES OF DECISIONS

Material filed the 70th day before election is timely. *State ex rel. Smith v. Appling*, (1960) 223 Or 576, 355 P2d 760. *Overruling State v. Macy*, (1916) 82 Or 81, 161 P 111.

ATTY. GEN. OPINIONS: Including candidate's material filed after deadline, 1966-68, p 39; Voters' Pamphlet material that may be rejected, 1966-68, p 53.

255.220

ATTY. GEN. OPINIONS: Libelous matter, 1956-58, p 45; Voters' Pamphlet material that may be rejected, 1966-68, p 53.

255.231

ATTY. GEN. OPINIONS: Fee for space in Voter's Pamphlet applicable to district attorney, 1958-60, p 88.

255.410

NOTES OF DECISIONS

Where a city has adopted a method of its own of submitting a measure to the vote of the people, that method will be followed. *Curtis v. Tillamook City*, (1918) 88 Or 443, 171 P 574, 172 P 122.

Where notice of an election was given by mailing a pamphlet to every voter, the submission was valid although the notice of the general election in question failed to notify the electors that the question would be submitted. *Barber v. Johnson*, (1917) 86 Or 390, 167 P 800, 1183.

Where pamphlets were not mailed to voters as required by this section before special election, the election was void. *Hill v. Hartzell*, (1927) 121 Or 4, 252 P 552.

FURTHER CITATIONS: *Wagoner v. City of LaGrande*, (1918) 89 Or 192, 173 P 305.

255.421

NOTES OF DECISIONS

In the construction of initiative measures, the courts will presume that the people had knowledge of the historical facts, including opposing theories, at the time of adoption of the Act. *Anthony v. Veatch*, (1950) 189 Or 462, 220 P2d 493, 221 P2d 575, app. dis., 340 US 923, 71 S Ct 499, 95 L Ed 1302.

255.440

255.440

CASE CITATIONS: Davis v. Van Winkle, (1929) 130 Or 304,
278 P 91, 280 P 495.