

## Chapter 259

### Special District Elections

#### 259.040

##### NOTES OF DECISIONS

Former statutes in port law governing special elections were not inimical to the initiative and referendum law, but provided an additional and cumulative method of procedure. *Webber v. Bailey*, (1935) 151 Or 488, 51 P2d 832.

Under former similar statute ORS chapter 251 provided procedure for contesting a park district election. *Cook v. Hill*, (1960) 224 Or 565, 356 P2d 1067.

ATTY. GEN. OPINIONS: Voters' pamphlets as part of required procedure for hospital election, 1948-50, p 365.

#### 259.060

CASE CITATIONS: *Peterkort v. East Washington County Zoning Dist.*, (1957) 211 Or 188, 313 P2d 773, 314 P2d 912.

ATTY. GEN. OPINIONS: Description of boundaries of proposed district when voting machines are used, 1966-68, p 379; constitutionality of voter qualification, (1968) Vol 34, p 263.

LAW REVIEW CITATIONS: 4 WLJ 563.

#### 259.070

ATTY. GEN. OPINIONS: Validity of incorporation proceedings where petitions for nominating candidates not filed when petition to hold organization election filed, 1944-46, p 510.

#### 259.080

##### NOTES OF DECISIONS

###### 1. Under former similar port district law

(1) **Notice.** Failure strictly to comply with the requirements in respect to giving notice would not invalidate an election unless a different result would have been obtained throughout the district had the statute been followed. *State v. Sengstacken*, (1912) 61 Or 455, 122 P 292, Ann Cas 1914B, 230; *State v. Bailey*, (1935) 151 Or 496, 51 P2d 671.

The statutory mode of giving notice was exclusive. *State v. Sengstacken*, (1912) 61 Or 455, 122 P 292, Ann Cas 1914B, 230.

Jurisdiction to declare organization of a port depended upon the notice of the election. *State v. Port of Bay City*, (1913) 64 Or 139, 129 P 496.

A notice of election was insufficient if the description of the property involved was so defective as to leave a hiatus that had to be supplied by the imagination of a reader. *State v. Port of Bayocean*, (1913) 65 Or 506, 133 P 85.

The notice of election had to substantially comply with statutory requirements. *State v. Bailey*, (1935) 151 Or 496, 51 P2d 671.

(2) **Posting the notice.** The fact the notice was not posted as required would not necessarily invalidate an election.

*Bennett Trust Co. v. Sengstacken*, (1911) 58 Or 333, 113 P 863; *State v. Bailey*, (1935) 151 Or 496, 51 P2d 671.

The election officers were not required to make any return of the posting of the notices. *Bennett Trust Co. v. Sengstacken*, (1911) 58 Or 333, 113 P 863; *State v. Sengstacken*, (1912) 61 Or 455, 122 P 292, Ann Cas 1914B, 230; *State v. Port of Tillamook*, (1912) 62 Or 332, 124 P 637, Ann Cas 1914C, 483; *State v. Bailey*, (1935) 151 Or 496, 51 P2d 671.

It was presumed, in a proper case, that the notices called for were validly posted. *State v. Sengstacken*, (1912) 61 Or 455, 122 P 292, Ann Cas 1914B, 230; *State v. Port of Tillamook*, (1912) 62 Or 332, 124 P 637, Ann Cas 1914C, 483; *State v. Bailey*, (1935) 151 Or 496, 51 P2d 671.

Each voting precinct in an organization election was a unit in so far as the posting of election notices was concerned. *State v. Johnson*, (1915) 76 Or 85, 144 P 1148, 147 P 926; *State v. Bailey*, (1935) 151 Or 496, 51 P2d 671.

Posting for 10 days prior to the election has been considered to be sufficient. *Smith v. Hurlburt*, (1923) 108 Or 690, 217 P 1093.

FURTHER CITATIONS: *State v. Port of Bay City*, (1913) 64 Or 139, 129 P 496; *Southern Ore. Co. v. Port of Bandon*, (1919) 91 Or 308, 178 P 215; *State v. Bailey*, (1935) 151 Or 496, 51 P2d 671; *Webber v. Bailey*, (1935) 151 Or 488, 51 P2d 832.

ATTY. GEN. OPINIONS: Determining qualification of voters in port district election, 1924-26, p 72; procedure to be followed in hospital district election to be held on same day as general primary election, 1950-52, p 346.

#### 259.090

ATTY. GEN. OPINIONS: Duty to publish facsimile ballot prior to election, 1966-68, p 35.

#### 259.120 to 259.230

ATTY. GEN. OPINIONS: Legislative authority to establish general local elections for tax purposes, 1952-54, p 220; determining elector's right to vote in rural fire protection district, 1954-56, p 155.

#### 259.130

ATTY. GEN. OPINIONS: Previously organized stock districts as livestock districts, 1950-52, p 51; voting place identical to those used in primary or general election as including those outside of a livestock district, 1950-52, p 373; polling places for new tax base election, 1956-58, p 289; place of voting and voting booths, 1958-60, p 131.

#### 259.140

ATTY. GEN. OPINIONS: Hospital district payment of election board for services, 1948-50, p 365.

**259.150**

ATTY. GEN. OPINIONS: Number of polling places to be selected, 1944-46, p 12; number of election boards, 1960-62, p 271; description of boundaries of proposed district when voting machines are used, 1966-68, p 379.

**259.200**

ATTY. GEN. OPINIONS: County clerk duties following

canvass of hospital district election, 1948-50, p 365; procedure to be followed in hospital district election to be held on same day as general primary election, 1950-52, p 346.

**259.220**

ATTY. GEN. OPINIONS: Hospital district election and regular election held concurrently, 1950-52, p 346.