

Chapter 331

School District Elections

331.002

ATTY. GEN. OPINIONS: Corrupt practice in school election, 1966-68, p 439; election board on same day serving for school district and regular primary elections, (1968) Vol 34, p 39.

331.010

NOTES OF DECISIONS

It is the official duty of a school clerk to post notices for regular and special meetings, and his official record is sufficient evidence of what he did. *Amort v. Sch. Dist.* 80, (1906) 48 Or 522, 87 P 761.

An alternative writ of mandamus to compel levy of a special school tax failing to show in what three public places notices were posted or that this section had been complied with, was insufficient. *Paine v. Wells*, (1918) 89 Or 695, 175 P 430.

FURTHER CITATIONS: *Zeek v. Union Sch. Dist.* 5, (1950) 188 Or 45, 211 P2d 740, 213 P2d 794.

ATTY. GEN. OPINIONS: Computation of notice required for school consolidation election, 1948-50, p 35; effect on consolidation of inadequate notice of meeting at which consolidation is approved, 1948-50, p 48; notice required for election to increase tax levy, 1948-50, p 85; implied repeal by Local Budget Law, 1962-64, p 419; validity of notice of election, 1964-66, p 195; use of district funds to furnish voter information, (1970) Vol 35, p 169.

331.020

NOTES OF DECISIONS

Prior to the 1965 amendment, the power to prescribe the qualifications of voters at school meetings and at elections for district officers is included within the power given the legislature by Ore. Const. Art. VIII, §3, to provide for the establishment of a uniform and general system of common schools. *Harris v. Burr*, (1898) 32 Or 348, 52 P 17, 39 LRA 768; *State v. Hingley*, (1898) 32 Or 440, 52 P 89.

In the absence of contrary evidence it is presumed that election officials allowed only those to vote who were qualified. *Union Sch. Dist. 5 v. Stanley*, (1949) 185 Or 531, 202 P2d 509.

FURTHER CITATIONS: *Webb v. Clatsop School Dist.* 3, (1950) 188 Or 324, 215 P2d 368.

ATTY. GEN. OPINIONS: Necessity of registration in order to be a qualified voter and eligible for a district office, and effect of qualification of candidate as a qualified voter after the election but before induction into office, 1948-50, p 255; registration of school election voters, 1954-56, p 129; when person becomes a qualified voter, 1966-68, p 399.

331.030

ATTY. GEN. OPINIONS: Registration of school election voters, 1954-56, p 129.

331.080

NOTES OF DECISIONS

School elections are "legally authorized elections" within the meaning of the criminal statute punishing those offering to vote at such elections. *State v. Hingley*, (1898) 32 Or 440, 52 P 89.

Under former similar statute in the absence of any showing that, if the election in one of the school districts to form a union high school district had been held strictly in accordance with law, the results of the election as a whole would have been changed so as to defeat the proposal for the organization of the union high school district, the entire proceedings for organization were not vitiated and all subsequent acts of the union high school district were not void. *Edwards v. Union High Sch. Dist.* 8, (1953) 198 Or 611, 258 P2d 148.

FURTHER CITATIONS: *Splonskofsky v. Minto*, (1912) 62 Or 560, 568, 126 P 15; *Tompkins v. Dist. Boundary Bd.*, (1947) 180 Or 339, 177 P2d 416; *Union Sch. Dist. 5 v. Stanley*, (1949) 185 Or 531, 202 P2d 509; *School Dist. 1 v. State Bd. of Educ.*, (1968) 250 Or 133, 441 P2d 243.

ATTY. GEN. OPINIONS: Authority of district boundary board to review irregularities in election, 1920-22, p 265; effect of failure of notice to state exact building in which school election was to be held, 1926-28, p 556; effect of error in date stated in election notice where date of election is fixed by statute, 1936-38, p 40; necessity of election in district maintaining high school prior to the filing of petitions by the other school districts desiring to consolidate with it, 1936-38, p 649; authority of administrative board or officer to declare election of directors invalid because of irregularities, 1938-40, p 38; procedure to be followed when the candidate receiving the most votes is not qualified to hold office, 1948-50, p 255; validity of special election on tax levy held in first class district, 1950-52, p 266; keeping duplicate poll books and signing by voter, 1954-56, p 198; "meetings" distinguished from "elections," 1956-58, p 187; requirement for election to exceed constitutional limitation in second class school district, 1956-58, p 187; election board on same day serving for school district and regular primary elections, (1968) Vol 34, p 39.

331.090

CASE CITATIONS: *School Dist. 1 v. State Bd. of Educ.*, (1968) 250 Or 133, 441 P2d 243.

ATTY. GEN. OPINIONS: Effect of misspelling a name on a ballot, 1936-38, p 710; elector making a cross at the left of a name written in by him on ballot, 1936-38, p 710; who

elected director in case of tie, 1928-30, p 579; application of the tie provision to non-high school district elections, 1950-52, p 13; procedure to remedy election to form a union high school district where one district failed to conduct a valid election, 1950-52, p 303; county clerk's authority to prescribe form of certificate of nomination, 1966-68, p 268; when person becomes a qualified voter, 1966-68, p 399; election at large or by zone in zoned district, 1966-68, p 583.

331.120

NOTES OF DECISIONS

School elections are "legally authorized elections" within the meaning of the criminal statute punishing those offering to vote at such elections. *State v. Hingley*, (1898) 32 Or 440, 52 P 89.

ATTY. GEN. OPINIONS: Political activities of public school teachers, 1962-64, p 22.

331.130

ATTY. GEN. OPINIONS: Validity of bill authorizing serial

levies by school districts for general fund purposes, 1950-52, p 126.

331.410

ATTY. GEN. OPINIONS: Constitutionality of a recall petition under this Act, 1950-52, p 412; number of directors that may be recalled, 1956-58, p 262.

331.425

ATTY. GEN. OPINIONS: Computing latest date for filing petition of recall, 1950-52, p 405; ballot provisions in the recall of school directors, 1952-54, p 136; time of filing petition, 1956-58, p 262.

331.465

ATTY. GEN. OPINIONS: Ballot provisions in the recall of school directors, 1952-54, p 136; commencement of constitutional 20-day period for ordering an election, 1966-68, p 228.