

Chapter 260

Corrupt Practices and Other Election Offenses

DEFINITIONS AND GENERAL PROVISIONS	
260 010	Definitions for ORS 260 010 to 260.520
260 020	Construction or application of certain sections
260.030	Distribution of copies of certain sections of the election law
LIMITATION ON EXPENDITURES	
260.040	Limitations on expenditures of candidates for nomination
260 050	Limitation on expenditures of party nominees
260.060	Filing statements of expenditures by candidates; penalty for failure to file
260.070	Accounts of funds received, expended and liabilities incurred by political committees, other persons and organizations; inspection of such records
260.080	Form for statement of expenses
260.090	Inspection and verification of statements; filing time and notice to those failing to file
260.100	Procedure on failure to file statement; duties of district attorney to investigate and take action
260 110	Jurisdiction of courts; compelling the filing of a correct statement
260 120	Statements to be preserved as public records; making certified copies and publishing totals
PRACTICES PROHIBITED	
260.210	Making and acceptance of payments in false name, donations from political organizations
260 220	Candidate not to promise appointments or aid in securing employment but may state proposed policies and action
260 230	Contributions not to be made by holders of nonelective offices nor accepted from them
260 240	Nonelective office holders as delegates to conventions and members of political committees
260 250	Transfer of convention credentials for valuable consideration
260 260	Pecuniary rewards for becoming or refusing to become a candidate, withdrawing candidacy; solicitations for such purposes
260 270	Solicitation of contributions from candidates and public officers and contributions by such persons; limitations on rule
260 280	Contributions by or solicitation of banks, utility corporations or a majority of their stockholders
260 290	"Treating" defined; consequences of treating
260 300	Use of "undue influence" to affect vote
260 310	Bets and wagers designed to influence election result
260.320	"Impersonation" of voters and voting more than once; penalty
260.330	Payment of loss resulting in performance of electoral duties, wearing of political badges at the polls
260.340	Requirements for identifying paid political matter published in periodicals; payment for editorial advocacy or opposition
260 350	Solicitation and persuasion on election day; penalty
260 360	Anonymous publications; penalty
260 370	Political criminal libel; penalty
260.380	Publication of false statement, charge or comment; penalty
260.390	Acts constituting corrupt practices; prevalence of corruption
PUNISHMENT PROCEEDINGS	
260 410	Consequences of failure on part of candidate to file statement of accounts and expenses
260.420	Acceptance of money for becoming or refusing to become candidate; injunction to prevent placing name on ballot; penalty
260 430	Discretion of court in punishment of candidates
260 440	Punishment of candidate found guilty of corrupt or illegal practices
260.450	Limitational periods for remedial action
260 460	Jurisdiction and venue of proceedings
260.470	Effect of annulment of nomination or election; attempted appointments or elections thereafter
260 480	Duties of district attorney; penalty for failure or refusal to perform
260 490	Proceedings against corporations; penalty
260.500	Making of false oath; penalty
260 510	Criminal penalty for violations of the sections listed in ORS 260 030
260.520	Procedural matters generally
260 530	Form of petition
ADDITIONAL ELECTION OFFENSES AND PENALTIES	
260 610	Violation of registration law by officials or electors; penalty
260.620	Making of false oath; penalty
260.630	Misconduct in relation to communicating result of election; penalty
260.640	Misconduct relating to voting, use of ballot and interference with voter; penalty
260.650	Violations of certain sections; penalty
260.660	Wilful and fraudulent violations of certain sections; penalty
260.670	Injury to or destruction of posted notices, ballots and election supplies; penalty
260.680	Bribery of voter and offering consideration with intent to influence voter; penalty
260.690	Acceptance of consideration by voter pursuant to agreement; penalty

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|--|--|
| <p>260 700 Who is voter; punishment for second offense</p> <p>260 710 Voting or offering to vote by person not entitled to vote; penalty</p> <p>260 720 Intimidation or attempt to intimidate voter or challenging of voter; penalty</p> <p>260.730 Influencing or interfering with employees in their voting; penalty</p> <p>260 740 Penalty for violation of ORS 260.730</p> <p>260.750 Influencing voter to change place of habitation for purpose of illegal voting, penalty</p> <p>260 760 Causing absence of voter from place of residence or polls to prevent voting; penalty</p> | <p>260 770 Penalty for violation of ORS 260.750 and 260.760</p> <p>260 780 Neglect of duty or corrupt conduct of election officer; penalty</p> <p>260 790 Disturbing election officers or voters by disorderly conduct at polls; penalty</p> <p>260 800 Applicability of ORS 260 680 to 260 790 to primary elections</p> <p style="text-align: center;">MISCELLANEOUS OFFENSES PECULIAR TO PRIMARY ELECTIONS</p> <p>260 810 Neglect of duty or corrupt conduct of primary election officers; penalty</p> <p>260 820 Consequences of candidates' wrongful or unlawful acts</p> |
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CROSS REFERENCES

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| <p>Bribe or reward to procure election forfeits office, Const Art II, § 7</p> <p>Certain corrupt practices prohibited and punishable in counties of 200,000 or more population, 241 525, 241 990</p> <p>Jurisdiction of judges of election to impose and enforce fines at polls for certain conduct, 250 440</p> <p>Manager of people's utility district not permitted to contribute money in support or opposition of any candidate for people's utility district director, 261 445</p> <p>Penalties for violation of particular statutes relating to elections, 246 990, 247 990, 249 990, 250 990, 252 990, 253 990, 254 990, 255 990, 258 990</p> <p>Penalty for sale of alcoholic liquor on election day, for consumption on premises, 471 990</p> <p>Political activities of state civil service employees and the commission prohibited, 240 705</p> <p>Voting in person and by means of an absent voter's ballot as punishable offense, 253 120</p> <p style="text-align: center;">260 010</p> <p>Application of ORS 260 010 to 260 520 to provisions of ORS 251 310 to 251 410, 251 420</p> <p style="text-align: center;">260.070</p> <p>Liquor licensee, dealer, manufacturer or distiller not to contribute to political party or candidate for political office, 472 310</p> | <p style="text-align: center;">260 210</p> <p>Liquor licensee, dealer, manufacturer or distiller not to contribute to political party or candidate for political office, 472 310</p> <p style="text-align: center;">260.270</p> <p>Civil service employees in counties of 200,000 or more population not to be solicited for contributions to political campaigns, 241 510</p> <p style="text-align: center;">260.280</p> <p>Liquor licensee, dealer, manufacturer or distiller not to contribute to political party or candidate for political office, 472 310</p> <p style="text-align: center;">260 430</p> <p>Determination of contest based on casting of illegal votes, 251 410</p> <p>Judgment of ouster and filling vacancies, 251 400</p> <p style="text-align: center;">260 680</p> <p>Bribe to procure election forfeits office, Const Art II, § 7</p> <p style="text-align: center;">260.740</p> <p>Concurrent jurisdiction of justices and district courts with circuit courts, 46 040, 51 060</p> <p style="text-align: center;">260.780</p> <p>Penalty for wilful or negligent misconduct of election officials, 250 990</p> |
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DEFINITIONS AND GENERAL PROVISIONS

260.010 Definitions for ORS 260.010 to 260.520. As used in ORS 260 010 to 260 520, terms shall be construed as follows, unless other meaning is clearly apparent from the language or context or unless such construction is inconsistent with the manifest intent of the law.

(1) "Candidate" shall apply to any person whose name is printed on an official ballot for public office, or whose name is expected to be or has been presented for public office, with his consent, for nomination or election

(2) "Give," "provide," "expend," "contribute," "receive," "ask," "solicit," and like terms, with their corresponding nouns, shall apply to money, its equivalent, or any other valuable thing; and shall include the promise, advance, deposit, borrowing, or loan thereof, and shall cover all or any part of a transaction, whether it be made directly or indirectly

(3) "Persons" shall apply to any individual, male or female, and, where consistent with collective capacity, to any committee, firm, partnership, club, organization, association, corporation or other combination of individuals

(4) "Political agent" shall apply to any person who, upon request or under agreement, receives or disburses money in behalf of a candidate

(5) "Political committee" shall apply to every combination of two or more persons who shall aid or promote the success or defeat of a candidate, or a political party or principle, and the provisions of law relating thereto shall apply to any firm or partnership, to any corporation, and to any club, organization, association, or other combination of persons, whether incorporated or not, with similar purposes, whether primary or incidental.

(6) "Public office" shall apply to any national, state, county, or city office to which a salary attaches and which is filled by the voters, as well as to the office of presidential elector, or presiding officer of either branch of the legislature

260.020 Construction or application of certain sections. None of the provisions of ORS 250 400, 251 310 to 251.410, 255 010 to 255 070, 255 210 to 255 250, 255 310, 255 990 and 260.010 to 260 520 shall be construed as relating to the rendering of services by speakers, writers, publishers or others, for

which no compensation is asked or given; nor to prohibit expenditure by committees of political parties or organizations for public speakers, music, halls, lights, literature, advertising, office rent, printing, postage, clerk hire, challengers or watchers at the polls, traveling expenses, telegraphing, telephoning, or the making of poll lists

260.030 Distribution of copies of certain sections of the election law. The Secretary of State shall, at the expense of the state, furnish to the county clerk and the city and town clerks, auditors and recorders, copies of ORS 250 400, 251 310 to 251 410, 255 010 to 255 070, 255.210 to 255.250, 255.310, 255 990 and 260.010 to 260 520 as a part of the election laws. In the filing of a nomination petition or certificate of nomination, the Secretary of State, in the case of state and district offices for districts composed of one or more counties, and county clerks for county offices, and the city and town clerks, auditors or recorders for municipal offices, shall transmit to the candidates, to the treasurers of political committees and to political agents, as far as they may be known to such officer, copies of the sections listed in this section; and also to any other person required to file a statement, such copies shall be furnished upon application for them Upon his own information, or at the written request of any voter, the Secretary of State shall transmit to any other person believed by him or averred to be a candidate or who may otherwise be required to make a statement, a copy of such sections

LIMITATION ON EXPENDITURES

260.040 Limitations on expenditures of candidates for nomination. No sums of money shall be paid and no expenses authorized or incurred by or on behalf of any candidate to be paid by him, except such as he may pay to the state for printing, as provided in ORS 255 020 to 255.070, 255 210 to 255.250 and 255 310, in his campaign for nomination to any public office or position in this state, in excess of 15 percent of one year's compensation or salary of the office for which he is a candidate. However, no candidate shall be restricted to less than \$100 in his campaign for such nomination. No sums of money shall be paid and no expenses authorized or incurred contrary to the sections listed in ORS 260 030, for or

on behalf of any candidate for nomination. For the purposes of the sections listed in ORS 260.030 the contribution, expenditure or liability of a descendant, ascendant, brother, sister, uncle, aunt, nephew, niece, wife, partner, employer, employe or fellow official or fellow employe of a corporation shall be deemed to be that of the candidate himself.

260.050 Limitation on expenditures of party nominees. No sums of money shall be paid and no expenses authorized or incurred by or on behalf of any candidate who has received the nomination to any public office or position in this state, except such as he may contribute towards payment for his political party's or independent statement in the pamphlet provided for in ORS chapter 255, to be paid by him in his campaign for election, in excess of 10 percent of one year's salary or compensation of the office for which he is nominated. However, no candidate shall be restricted to less than \$100. No sum of money shall be paid and no expenses authorized or incurred by or on behalf of any political party or organization to promote the success of the principles or candidates of such party or organization, contrary to the sections listed in ORS 260.030. For the purposes of such sections the contribution, expenditure or liability of a descendant, ascendant, brother, sister, uncle, aunt, nephew, niece, wife, partner, employer, employe or fellow official or fellow employe of a corporation shall be deemed to be that of the candidate himself.

260.060 Filing statements of expenditures by candidates; penalty for failure to file. (1) Every candidate for nomination or election to the office of delegate to a party national convention, elector of President and Vice President of the United States, United States Senator or Representative in Congress, candidates for nomination as President and Vice President of the United States running in the Oregon presidential preference primary and candidates for nomination and election to other offices to be voted for in the state at large or in a district composed of one or more counties, shall file with the Secretary of State, within 15 days after the election at which he was a candidate, an itemized sworn statement, or, in the case of candidates for county and district or precinct offices within the county, with the county clerk, or, in the case of candidates for a town, city or ward office, with the

town clerk, auditor or recorder of the city or town in which each candidate resides. These statements shall set forth in detail all the moneys contributed, expended or promised by him to aid and promote his nomination or election, or both, as the case may be, and for the election of his party candidates, and all existing unfulfilled promises of every character and all liabilities remaining uncanceled and in force at the time such statement is made, whether such expenditures, promises and liabilities were made or incurred before, during or after the election. If no money or other valuable thing was given, paid, expended, contributed or promised, and no unfulfilled liabilities were incurred by a candidate for public office to aid or promote his nomination or election, or the election of his party candidates, he shall file a statement to that effect within 15 days after the election at which he was a candidate.

(2) Any candidate who fails to file such statement shall be fined \$25 for every day on which he was in default, unless he is excused by the court. Fifteen days after any such election the Secretary of State, or county clerk, town clerk, auditor or recorder, as the case may be, shall notify the district attorney of any failure to file on the part of any candidate, and within 10 days thereafter the prosecuting officer shall proceed to prosecute the candidate for such offense.

260.070 Accounts of funds received, expended and liabilities incurred by political committees, other persons and organizations; inspection of such records. Every political committee shall have a treasurer, who is a voter, and shall cause him to keep detailed accounts of all its receipts, payments and liabilities. Similar accounts shall be kept by every person who in the aggregate receives or expends money or incurs liabilities to the amount of more than \$50 for political purposes, and by every political agent and candidate. Such accounts shall cover all transactions in any way affecting or connected with the political canvass, campaign, nomination or election concerned.

(2) Every person receiving or expending money or incurring liability by authority or in behalf of or to promote the success or defeat of such committee, agent, candidate or other person or political party or organization, shall, on demand, and in any event within 14 days after such receipt, expendi-

ture or inurrence of liability, give such treasurer, agent, candidate, or other person on whose behalf such expense or liability was incurred, a detailed account thereof, with proper vouchers. Every payment, except payments less in the aggregate than \$5 to any person, shall be vouched for by a receipted bill stating the particulars of expense. Every voucher, receipt and account required by this section shall be a part of the accounts and files of such treasurer, agent, candidate or other person, and shall be preserved by the public officer with whom it is filed for six months after the election to which it refers

(3) Any person not a candidate for any office or nomination who expends or contributes money or value to an amount greater than \$50 in any campaign for nomination or election, to aid in the election or defeat of any candidate or candidates, or party ticket, and any person who expends or contributes money or value to an amount greater than \$50 in any campaign for the approval or rejection of any measure or measures or proposal or proposals before the people of the state or any county, district, subdivision or municipality thereof, shall, within 10 days after the election in which such money or value was expended or contributed, file an itemized statement with the Secretary of State in the case of measures or proposals voted upon by the people, or of state or district offices, measures or proposals for districts composed of one or more counties, or with the county clerk for county offices or for districts or subdivisions within one county, or with the city clerk, auditor, or recorder for municipal offices. The statement shall contain an itemized list of such receipts, contributions and expenditures and vouchers for every sum contributed or paid in excess of \$5. Such person shall at the time of filing deliver to the candidate or treasurer of the political organization whose success or defeat he has sought to promote, a duplicate of such statement and a copy of such vouchers

(4) Every association, organization and aggregate body of individuals, whether incorporated or not, the duration of which is continuous from year to year and which has a regular or continuous income and which makes any expenditures or contributions for such purposes, shall, through its proper officer or representative, file such statement of expenditures and contributions which it makes for such purposes, and shall in-

clude in it the amount of all receipts from special assessments and contributions received by it for the purpose of providing funds for use in aiding in such election or defeat, or such approval or rejection. The statement shall list each contribution of \$5 or more, with the source of each set forth by the true name of the contributor. Every newly formed or organized association, organization and aggregate body of individuals, whether incorporated or not, which makes any such expenditures or contributions, shall, through its proper officer or representative, include in the statement thereof, which it hereby is required to file, the total received and expended by it and a list in detail of the persons who contributed and the respective amounts contributed or paid by each, in excess of \$5. Any organization formed within 18 months prior to the general or special election at which any measure or proposal which it supports or opposes is to be submitted, shall file a report of its entire contributions and expenditures, separately listing each expenditure or contribution in excess of \$5

(5) The books of account of every treasurer of any political party, committee or organization, during an election campaign, shall be open at all reasonable office hours to the inspection of the treasurer and chairman of any opposing political party or organization for the same electoral district. Such right of inspection may be enforced by writ of mandamus by any court of competent jurisdiction

260.080 Form for statement of expenses. The statement of expenses required from candidates and others by the sections listed in ORS 260.030 shall be in substantially the following form:

State of Oregon, }
County of—, } ss.

I, —, having been a candidate (or expended money) at the election for the (state) (district) (county) (city) of— on the — day of —, A.D. 19—, being first duly sworn, on oath do say: That I have carefully examined and read the return of my election expenses and receipts hereto attached, and to the best of my knowledge and belief that return is full, correct and true

And I further state on oath that, except as appears from this return, I have not, and to the best of my knowledge and belief, no person, nor any club, society or

association, has, on my behalf, whether authorized by me or not, made any payment, or given, promised or offered any reward, office, employment or position, public or private or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said nomination or election

And I further state on oath, that, except as specified in this return I have not paid any money, security or equivalent for money, nor has any money or equivalent for money to my knowledge or belief been paid, advanced, given or deposited by anyone to or in the hands of myself or any other person for my nomination or election for the purpose of paying any expenses incurred on my behalf on account or in respect of the conduct or management of the said election

And I further state on oath that I will not, except so far as I may be permitted by law, at any future time make or be a party to the making or giving of any payment, reward, office, position or employment, or valuable consideration for the purpose of defraying any such expenses or obligations as herein mentioned for or on account of my nomination or election, or provide or be party to the providing of any money, security, or equivalent for money for the purpose of defraying any such expense.

(Signature of affiant)_____.

Subscribed and sworn to before me by the above named _____, on the _____ day of _____, A.D. 19____

Attached to the affidavit shall be a full and complete account of the receipts, contributions and expenses of the affiant, and of his supporters of which he has knowledge, with numbered vouchers for all sums and payment for which vouchers are required as to all money expended by affiant. The affidavit and account of the treasurer of any committee or any political party or organization shall be as nearly as may be in the same form, and so also shall be the affidavit of any person who has received or expended money in excess of the sum of \$50 to aid in securing the nomination or election or defeat of any candidate, political party, organization or measure before the people

260.090 Inspection and verification of statements; filing time and notice to those failing to file. The officers with whom state-

ments are required to be filed shall inspect all statements of accounts and expenses relating to nomination and elections filed with them within 10 days after they are filed. If upon examination of the official ballot it appears that any person has failed to file a statement as required by law, or if it appears to any such officer that the statement filed with him does not conform to law, or upon complaint in writing by a candidate or by a voter that a statement filed does not conform to law or to the truth, or that any person has failed to file a statement which he is by law required to file, the officer shall immediately, in writing, notify the delinquent person. Every complaint filed by a citizen or candidate shall state in detail the grounds of objection, shall be sworn to by the complainant and filed with the officer within 60 days after the filing of the statement or amended statement. Upon the written request of a candidate or any voter, filed within 16 days after any convention, primary or nominating election, the Secretary of State, county clerk, city or town clerk, auditor or recorder, as the case may be, shall demand from any specified person or candidate a statement of all his receipts and from whom received, disbursements and liabilities in connection with or in any way relating to the nomination or election concerned, whether it is an office to which a salary or compensation is attached or not. The person upon whom a demand is made shall thereupon be required to file such statement and to comply with all the provisions relating to statements contained in the sections listed in ORS 260 030. Whoever makes a statement required by the sections listed in ORS 260 030 shall make oath attached thereto that it is in all respects correct, complete and true, to the best of his knowledge and belief, and the verification shall be substantially in the form provided by ORS 260 080.

260.100 Procedure on failure to file statement; duties of district attorney to investigate and take action. (1) Upon the failure of any person to file a statement within 10 days after receiving notice as provided by ORS 260 090, or if any such statement filed discloses any violation of any provision of the sections listed in ORS 260.030 relating to corrupt practices in elections, or in any other provision of the election laws, the Secretary of State, county clerk or the city clerk, auditor or recorder, as the case may be, shall immediately notify the district at-

torney of the district where such violation occurred and furnish him with copies of all papers relating to it

(2) The district attorney shall within 60 days thereafter examine every such case, and if the evidence seems to him to be sufficient under the provisions of the sections listed in ORS 260 030 he shall in the name of the state immediately institute such civil or criminal proceedings as are appropriate to the facts

260.110 Jurisdiction of courts; compelling the filing of a correct statement. The circuit court of the county in which any statement of accounts and expenses relating to nominations and elections should be filed, unless otherwise provided in the sections listed in ORS 260 030, shall have exclusive original jurisdiction of all violations of those sections, and may compel any person who fails to file such statement or who files a statement which does not conform to the requirements of such sections in respect to its truth, sufficiency in detail or otherwise, to file a sufficient statement, upon the application of the Attorney General or district attorney, or the petition of a candidate or voter. Such petition shall be filed in the circuit court within 60 days after such election, if the statement was filed within the 15 days required. However, such a petition may be filed within 30 days after any payment not included in the statement so filed.

260.120 Statements to be preserved as public records; making certified copies and publishing totals. All statements shall be preserved for six months after the election to which they relate. They shall be public records subject to public inspection. The officers having custody of them shall give certified copies thereof in like manner as of other public records. The totals of each statement, filed with him, with the name of the person or candidate filing it, shall be published in the next annual report of the Secretary of State, the county clerk, or the city clerk, auditor or recorder, as the case may be

260.130 to 260.200 [Reserved for expansion]

PRACTICES PROHIBITED

260.210 Making and acceptance of payments in false name; donations from political organizations. No person shall make a

payment of his own money or of another person's money to any other person, in connection with a nomination or election, in any name other than that of the person who in truth supplies such money. No person shall knowingly receive such payment or enter or cause it to be entered in his accounts or records in another name than that of the person by whom it was actually furnished. However, if the money is received from the treasurer of any political organization it shall be sufficient to enter it as received from such treasurer.

260.220 Candidate not to promise appointments or aid in securing employment but may state proposed policies and action. No person shall, in order to aid or promote his nomination or election, directly or indirectly, himself or through any other person, promise to appoint another person, or promise to secure or aid in securing the appointment, nomination or election of another person to any public or private position or employment, or to any position of honor, trust or emolument. However, he may publicly announce or define what is his choice or purpose in relation to any election in which he may be called to take part, if elected

260.230 Contributions not to be made by holders of nonelective offices nor accepted from them. No holder of a public position or office other than an office filled by the voters, shall pay or contribute to aid or promote the nomination or election of any other person to public office. No person shall invite, demand or accept payment or contribution from such holder of a public position or office for campaign purposes

260.240 Nonelective office holders as delegates to conventions and members of political committees. No holder of a public position other than an office filled by the voters shall be a delegate to a convention for the election district that elects the officer or board under whom he directly or indirectly holds such position, nor shall he be a member of a political committee for such district.

260.250 Transfer of convention credentials for valuable consideration. No person shall invite, offer or effect the transfer of any convention credential in return for payment of money or other valuable thing.

260.260 Pecuniary rewards for becoming or refusing to become a candidate, withdrawing candidacy; solicitations for such purposes. No person shall pay or promise to reward another in any manner or form for the purpose of inducing him to be or refrain from or cease being a candidate. No person shall solicit any payment, promise or reward from another for such purpose.

260.270 Solicitation of contributions from candidates and public officers and contributions by such persons; limitations on rule. (1) No person shall demand, solicit, ask or invite any payment or contribution for any religious, political, charitable or other cause or organization supposed to be primarily for the public good, from a person who seeks to be or has been nominated or elected to any office. No such candidate or elected person shall make any such payment or contribution if it is demanded or asked during the time he is a candidate for nomination or election to or an incumbent of any office.

(2) No payment or contribution for any purpose shall be made a condition precedent to the putting of a name on any caucus or convention ballot, nomination paper or petition, or to the performance of any duty imposed by law on a political committee.

(3) No person shall demand, solicit, ask or invite any candidate to subscribe to the support of any club or organization, buy tickets to any entertainment or ball or to subscribe for or pay for space in any book, program, periodical or other publication. If any candidate shall make any such payment or contribution with apparent hope or intent to influence the result of the election, he shall be guilty of a corrupt practice.

(4) This section shall not apply to the following

(a) Soliciting of any business advertisement for insertion in a periodical in which such candidate was regularly advertising prior to his candidacy.

(b) Ordinary business advertising.

(c) His regular payment to any organization, religious, charitable or otherwise of which he may have been a member, or to which he may have been a contributor, for more than six months before his candidacy.

(d) Ordinary contributions at church services

260.280 Contributions by or solicitation of banks, utility corporations or a majority of their stockholders. No corporation, and no

person, trustee or trustees owning or holding the majority of the stock of a corporation, carrying on the business of a bank, savings bank, cooperative bank, trust, trustee, surety, indemnity, safe deposit, insurance, railroad, street railway, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct, water, cemetery or crematory company, or any company having the right to take or condemn land or to exercise franchises in public ways granted by the state, county, city or town, shall pay or contribute in order to aid, promote or prevent the nomination or election of any person, or in order to aid or promote the interests, success or defeat of any political party or organization. No person shall solicit or receive such payment or contribution from such corporation or holders of a majority of such stock.

260.290 "Treating" defined; consequences of treating. (1) No person or candidate shall by himself or by any other person, before or after an election, or while such person or candidate is seeking a nomination or election, directly or indirectly, give, provide or pay, wholly or in part, the expenses of giving or providing any meat, drink, entertainment, provision, clothing, liquors, cigars or tobacco, to or for any person for the purpose of or with intent or hope to influence that person or any other person to give or refrain from giving his vote at such election to or for any candidate, political party ticket or measure before the people, or on account of such person or any other person having voted or refrained from voting for any candidate or the candidates of any political party, organization or measure before the people, or being about to vote or refrain from voting at such election. No elector shall accept or take any such meat, drink, entertainment, provision, clothing, liquor, cigars or tobacco.

(2) Violators of this section shall be guilty of treating. Such acceptance shall be a ground of challenge to the person's vote and of rejecting his vote on a contest.

260.300 Use of "undue influence" to affect vote. (1) No person shall directly or indirectly, by himself or any other person in his behalf, make use of or threaten to make use of any force, coercion, violence, restraint or undue influence, or inflict or threaten to inflict, by himself or any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel him to vote or refrain

from voting for any candidate, political party ticket or measure before the people. No minister, preacher, priest or any officer of any church, religious or other corporation or organization, shall, otherwise than by public speech or print, urge, persuade or command any voter to vote or refrain from voting for or against any candidate, political party ticket or measure submitted to the people, for or on account of his religious duty, or the interest of any corporation, church or other organization. Nor shall any person by abduction, duress or any fraudulent contrivance, impede or prevent the free exercise of the franchise by any voter at any election, or compel, induce or prevail upon any elector to give or to refrain from giving his vote at any election.

(2) Violators of this section shall be guilty of undue influence and shall be punished as for a corrupt practice.

260.310 Bets and wagers designed to influence election result. (1) No candidate shall, before or during any election campaign, make any bet or wager of anything of pecuniary value, or in any manner become a party to any such bet or wager on the result of the election in his electoral district or any part thereof, or on any event or contingency relating to any pending election. Nor shall any candidate provide money or other valuable to be used by any person in betting or wagering upon the results of any impending election.

(2) No person shall, for the purpose of influencing the result of any election, make any bet or wager of anything of pecuniary value on the result of such election in his electoral district or any part thereof, or of any pending election, or on any event or contingency relating thereto.

(3) Violators of this section shall be guilty of a corrupt practice. Violation of subsection (2) of this section shall be a ground of challenge against the violator's right to vote.

260.320 "Impersonation" of voters and voting more than once; penalty. (1) No person shall apply for a ballot, at any election, in the name of some other person, whether it be that of a person living, dead or a fictitious person, nor, having voted once, apply at the same election for a ballot in his own name.

(2) Violators of this section shall be guilty of impersonation and, upon conviction thereof, shall be punished by imprisonment

in the penitentiary for not exceeding three years.

260.330 Payment of loss resulting in performance of electoral duties; wearing of political badges at the polls. (1) It shall be unlawful for any person to pay another for any loss or damage due to attendance at the polls, or in registering or for the expense of transportation to or from the polls. No person shall pay for personal service to be performed on the day of a caucus, primary, convention or any election, for any purpose connected therewith, tending in any way, directly or indirectly, to affect the result thereof. However, persons may be hired whose sole duty is to act as challengers and watch the count of official ballots.

(2) No person shall buy, sell, give or provide any political badge, button or other insignia to be worn at or about the polls on the day of any election. No such political badge, button or other insignia shall be worn at or about the polls on any election day.

260.340 Requirements for identifying paid political matter published in periodicals; payment for editorial advocacy or opposition.

(1) No publisher of a newspaper or other periodical shall insert, either in its advertising or reading columns, any paid matter which is designed or tends to aid, injure or defeat any candidate, political party, organization or measure before the people, unless it is stated therein that it is a paid advertisement. There shall also appear in the nature of a signature to the advertisement, the name of the chairman or secretary, or the names of the other officers of the political or other organization inserting it, or the name of some voter who is responsible therefor, with his residence and the street and number thereof, if any. No person shall pay the owner, editor, publisher or agent of any newspaper or other periodical to induce him to editorially advocate or oppose any candidate for nomination or election. No such owner, editor, publisher or agent shall accept such payment.

(2) Any person who violates any of the provisions of this section shall be punished as for a corrupt practice.

260.350 Solicitation and persuasion on election day; penalty. (1) No person shall, at any place on the day of any election, ask, solicit or in any manner try to induce or persuade any voter on such election day to

vote for or refrain from voting for any candidate, the candidates or ticket of any political party or organization or any measure submitted to the people

(2) Violation of this section is punishable, upon conviction, by a fine of not less than \$5 nor more than \$100 for the first offense. The second and each subsequent offense occurring on the same or different election days is punishable, upon conviction, by a fine of not less than \$5 nor more than \$100, or by imprisonment in the county jail for not less than five nor more than 30 days, or both.

260.360 Anonymous publications; penalty. (1) No person shall write, print, publish, post or circulate or cause to be written, printed, published, posted or circulated through the mails or otherwise any letter, circular, bill, placard, poster or other publication relating to any election or to any candidate at any election, unless it bears on its face the name and address of the author and of the printer and publisher thereof.

(2) Violation of this section is an illegal practice, and is punishable, upon conviction, by a fine of not less than \$25 nor more than \$1,000, or by imprisonment in the county jail for not more than six months, or both.

260.370 Political criminal libel; penalty. (1) No letter, circular, poster, bill, publication or placard shall contain any false statement or charges reflecting on any candidate's character, morality or integrity. The author and every person printing or knowingly assisting in the circulation of the matter described in this section shall be guilty of political criminal libel

(2) Violation of this section is punishable, upon conviction, by imprisonment in the penitentiary for not more than three years

260.380 Publication of false statement, charge or comment; penalty. (1) No person shall write, print or circulate, or cause to be written, printed or circulated, any letter, circular, bill, placard or poster, or cause any paid advertisement to be placed in a newspaper or any other publication, or singly or with others pay for any such advertisement, knowing such letter, circular, bill, placard, poster, publication or paid advertisement to contain any false statement, charge or comment relating to any candidate. Any person

violating this section shall be guilty of a corrupt political practice.

(2) Violation of this section is punishable, upon conviction, by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail not less than three months nor more than one year, or both.

260.390 Acts constituting corrupt practices; prevalence of corruption. (1) Any person shall be guilty of a corrupt practice within the meaning of the sections listed in ORS 260 030 if he expends any money for election purposes contrary to the provisions of any statute of this state, or if he is guilty of treating, undue influence, impersonation, the giving or promising to give, or offer of any money or valuable thing to any elector with intent to induce such elector to vote for or to refrain from voting for any candidate for public office, or the ticket of any political party or organization, or any measure submitted to the people, at any election, or to register or refrain from registering as a voter at any state, district, county, city, town, village or school district election for public offices or on public measures

(2) Such corrupt practice shall be deemed to be prevalent when instances thereof occur in different election districts similar in character and sufficient in number to convince the court before which any case involving the same may be tried that they were general and common, or were pursuant to a general scheme or plan.

260.400 [Reserved for expansion]

PUNISHMENT PROCEEDINGS

260.410 Consequences of failure on part of candidate to file statement of accounts and expenses. (1) The name of a candidate chosen at a primary election or otherwise, shall not be printed on the official ballot for the ensuing election unless there has been filed by or on behalf of such candidate the statements of accounts and expenses relating to nominations required by the sections listed in ORS 260 030, as well as a statement by his political agent and by his political committees in his behalf, if his statement discloses the existence of such agent or committees

(2) The officer or board entrusted by law with the preparation of the official ballots for any election shall, as far as practicable, warn candidates of the danger of the

omission of their names by reason of this provision. However, delay in making any such statement beyond the time prescribed shall not preclude its acceptance or prevent the insertion of the name on the ballot if there is reasonable time therefor after the receipt of such statements. Any such vacancy on the ballot shall be filled by the proper committee of his political party in the manner authorized by law, but not by the use of the name of the candidate who failed to file such statements.

(3) No person shall receive a certificate of election until he has filed the statements required by the sections listed in ORS 260.030.

260.420 Acceptance of money for becoming or refusing to become candidate; injunction to prevent placing name on ballot; penalty. It shall be unlawful for any person to accept, receive or pay money or any valuable consideration for becoming or refraining from becoming a candidate for nomination or election, or by himself or in combination with any other persons to become a candidate for the purpose of defeating the nomination or election of any other person and not with a bona fide intent to obtain the office. Upon complaint made to any circuit court, if the judge is convinced that any person has sought the nomination or seeks to have his name presented to the voters as a candidate for nomination by any political party for any mercenary or venal consideration or motive, and that his candidacy for the nomination is not in good faith, the judge shall immediately issue his writ of injunction restraining the officer whose duty it is to prepare the official ballots for such nominating election from placing the name of such person on it as a candidate for nomination to any office. In addition thereto the court shall direct the district attorney to institute criminal proceedings against such person or persons for corrupt practice, and upon conviction thereof he and any person combining with him shall be punished by a fine of not more than \$1,000, or imprisonment in the county jail for not more than one year.

260.430 Discretion of court in punishment of candidates. Where, upon the trial of any action or proceeding, under the sections listed in ORS 260.030, for the contest of the right of any person declared nominated or elected to any office, or to annul or set aside such nomination or election, or to re-

move a person from his office, it appears from the evidence that the offense complained of was not committed by the candidate, or with his knowledge or consent, or was committed without his sanction or connivance, and that all reasonable means for preventing the commission of such offense at such election were taken by and on behalf of the candidate, or that the offense complained of was trivial, unimportant and limited in character, and that in all other respects his participation in the election was free from such offenses or illegal acts, or that any act or omission of the candidate arose from inadvertence, accidental miscalculation or some other reasonable cause of a like nature and in any case did not arise from any want of good faith, and under the circumstances it seems to the court to be unjust that the candidate shall forfeit his nomination or office or be deprived of any office of which he is the incumbent, then the nomination or election of such candidate shall not by reason of such offense or omission complained of be void, nor shall the candidate be removed from or deprived of his office.

260.440 Punishment of candidate found guilty of corrupt or illegal practices. (1) If upon the trial of any action or proceeding, under the sections listed in ORS 260.030, for the contesting of the right of any person declared to be nominated or elected to an office, or to annul and set aside such election, or to remove any person from his office, it appears that such person was guilty of any corrupt practice, illegal act or undue influence in or about such nomination or election, he shall be punished by being deprived of the nomination or office, as the case may be. The vacancy shall then be filled in the manner provided by law.

(2) The only exception to this judgment shall be that provided by ORS 260.430. Such judgment shall not prevent the candidate or officer from being proceeded against by indictment or criminal information for any such act.

260.450 Limitational periods for remedial action. (1) Any action to contest the right of any person declared elected to an office, or to annul and set aside such election, or to remove from or deprive any person of an office of which he is the incumbent, for any offense mentioned in the sections listed in ORS 260.030 must, unless a different time be stated, be commenced with-

in 40 days after the return day of the election at which such offense was committed. However, if the ground of the action or proceeding is for the illegal payment of money or other valuable thing subsequent to the filing of the statements prescribed by such sections, the action or proceeding may be commenced within 40 days after the discovery by the complainant of such illegal payment.

(2) A contest of the nomination or office of Governor or Representative or Senator in Congress must be commenced within 20 days after the declaration of the result of the election. This shall not be construed to apply to any contest before the Legislative Assembly.

260.460 Jurisdiction and venue of proceedings. An application for filing a statement, payment of a claim or correction of an error or false recital in a statement filed, or an action or proceeding to annul and set aside the election of any person declared elected to an office, or to remove or deprive any person of his office for an offense mentioned in the sections listed in ORS 260.030, or any petition to excuse any person or candidate in accordance with the power of the court to excuse as provided in ORS 260.430, must be made or filed in the circuit court of the county in which the certificate of his nomination as a candidate for the office to which he is declared nominated or elected is filed or in which the incumbent resides.

260.470 Effect of annulment of nomination or election; attempted appointments or elections thereafter. A candidate nominated or elected to an office, and whose nomination or election has been annulled and set aside for any offense mentioned in the sections listed in ORS 260.030, shall not, during the period fixed by law as the term of such office, be elected or appointed to fill any office or vacancy in any office or position of trust, honor or emolument under the laws of the state or any municipality.

(2) Any appointment or election to any office or position of trust, honor or emolument made in violation of or contrary to the provisions of the sections listed in ORS 260.030 shall be void.

260.480 Duties of district attorney; penalty for failure or refusal to perform. (1) Any district attorney on being notified by any officer or other person of any violation

of any of the provisions of the sections listed in ORS 260.030 within his jurisdiction, shall immediately and diligently inquire into the facts of such violation. If there is reasonable ground for instituting a prosecution he shall file a complaint or information in writing before a court of competent jurisdiction, charging the accused person with such offense. If any district attorney fails or refuses to perform faithfully any duty imposed upon him by the sections listed in ORS 260.030, he shall be deemed guilty of a misdemeanor and, upon conviction, shall forfeit his office.

(2) The district attorney shall, under penalty of forfeiture of his office, prosecute any and all persons guilty of any violation of the sections listed in ORS 260.030, the penalty of which is fine or imprisonment, or both, or removal from office.

260.490 Proceedings against corporations; penalty. (1) In like manner as prescribed in ORS chapter 251 for the contesting of an election, any corporation organized under the laws of or doing business in Oregon may be brought into court on the ground of deliberate, serious and material violation of the sections listed in ORS 260.030. The petition shall be filed in the circuit court in the county where the corporation has its principal office, or where the violation of law is averred to have been committed.

(2) The court, upon conviction of such corporation, may impose a fine not exceeding \$10,000, or may declare a forfeiture of the charter and franchises of the corporation, if it organized under the laws of this state, or, if it is a foreign corporation, may enjoin it from further transacting business in this state, or by both such fine and forfeiture, or by both such fine and injunction.

260.500 Making of false oath; penalty. No person shall knowingly make any false oath or affidavit where an oath or affidavit is required by the sections listed in ORS 260.030. Violation of this section shall be deemed perjury and, upon conviction, punished accordingly.

260.510 Criminal penalty for violations of the sections listed in ORS 260.030. Whoever violates any provision of ORS 250.400, 251.310 to 251.410, or 260.010 to 260.520, the punishment for which is not specially provided by law, shall on conviction thereof be punished by imprisonment in the county jail not exceeding one year, or by a fine not exceeding \$5,000, or both.

260.520 Procedural matters generally. Proceedings under the sections listed in ORS 260.030 shall be advanced on the docket upon request of either party for a speedy trial. However, the court may postpone or continue such trial if the ends of justice may be thereby more effectually secured. In case of such continuance or postponement the court may impose costs in its discretion as a condition thereof. No petition shall be dismissed without the consent of the district attorney, unless it is dismissed by the court. No person shall be excused from testifying or producing papers or documents on the ground that his testimony or the production of papers or documents will tend to criminate him. However, no admission, evidence or paper made or advanced or produced by such person shall be offered or used against him in any civil or criminal prosecution or any evidence that is the direct result of such evidence or information that he may have so given, except in a prosecution for perjury committed in such testimony.

260.530 Form of petition. A petition or complaint filed under the provisions of ORS 250.400, 255.010 to 255.070, 255.210 to 255.250, 255.310, or 260.010 to 260.520 shall be sufficient if it is substantially in the form prescribed in subsection (2) of ORS 251.340.

260.540 to 260.600 [Reserved for expansion]

ADDITIONAL ELECTION OFFENSES AND PENALTIES

260.610 Violation of registration law by officials or electors; penalty. (1) No county clerk, deputy county clerk, clerk of a county court, deputy clerk of a county court, judge or clerk of election, municipal officer, official registrar or notary public, shall wilfully fail to perform or enforce any of the provisions of subsection (2) of ORS 247.010, ORS 247.020 to 247.060, 247.080, 247.090, 247.140, 247.170, 247.210, 250.350 or 253.210. No person shall wilfully or fraudulently register more than once without canceling his former registration, or register under any but his true name, or attempt to vote by impersonating another who is registered, contrary to the provisions of such sections, or wilfully register in any precinct where he is not a resident at the time of registering.

(2) Violation of this section is punishable, upon conviction, by a fine of not less

than \$25 nor more than \$2,000, or imprisonment in the penitentiary not exceeding three years, or both.

260.620 Making of false oath; penalty. No person shall falsely swear to any affidavit required by the sections listed in ORS 260.610. Violation of this section shall be deemed perjury and punished accordingly.

260.630 Misconduct in relation to communicating result of election; penalty. (1) No primary, general or special election officer of any precinct or district where double election boards have been appointed shall wilfully fail, neglect or refuse to prepare and return certificates of result of election in the same manner as now provided by law within 12 hours after the completion of the count, tabulation and declaration of the result.

(2) No election officer or any other person authorized by law to be present while votes are being counted, shall divulge the result of the count of the ballots at any time prior to the closing of the polls.

(3) Violation of this section is punishable, upon conviction, by a fine of not less than \$100 nor more than \$500 or imprisonment in the county jail not less than three nor more than six months.

260.640 Misconduct relating to voting, use of ballot and interference with voter; penalty. (1) No elector shall use, bring into the polling place or carry away from it any unofficial ballot, any paper or thing bearing any resemblance to the official white ballot other than the colored or sample ballot, or anything which will show how he has prepared the white ballot.

(2) No elector shall, except as otherwise provided by law, allow his white ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote, mutilate his ballot or place any distinguishing mark upon it whereby it may be identified.

(3) No person shall make a false statement as to his inability to mark his ballot.

(4) No person shall interfere, or attempt to interfere, with any voter when inside the inclosed space, or when marking his ballot.

(5) No person shall endeavor to induce any voter to mark his ballot in a particular way, or before or after voting to show or explain how he marks or has marked his ballot.

(6) Violation of this section is punish-

able, upon conviction, by a fine of not less than \$50 nor more than \$200

260.650 Violations of certain sections; penalty. (1) No officer upon whom a duty is imposed by ORS 246.010, 246.020, 246.040, 246.050, 249.710 to 249.850, 250.010 to 250.120, 250.150 to 250.200, subsection (1) of 250.220, ORS 250.310 to 250.340, 250.360 to 250.550, 250.570 to 250.720 or 260.640 to 260.670 shall disclose to any person the name of any candidate for whom any elector has voted, or give any information by which it can be ascertained for whom any elector has voted

(2) No judge or clerk of election or other officer about the polls shall do any electioneering on election day

(3) No person shall do any electioneering on election day within any polling place, or within 50 feet of any polling place.

(4) No person shall remove any white ballot from any polling place before the closing of the polls

(5) No person shall knowingly apply for or receive any white ballot in any polling place other than that in which he is entitled to vote.

(6) No person shall show his ballot, after it is marked, to any person in such a way as to reveal the contents thereof, or the name of the candidate or candidates for whom he has marked his ballot.

(7) No person, except the chairman of election, shall receive from any voter the ballot prepared for voting

(8) No person shall, contrary to the sections listed in subsection (1) of this section, ask another at a polling place for whom he intends to vote, or examine his ballot or solicit the voter to show it

(9) No elector shall knowingly receive any white ballot from any other person than one of the election clerks.

(10) No person shall print or circulate or knowingly have in his possession any imitation of the official white or colored ballots.

(11) No person, other than a clerk of the election, shall deliver any white ballot to an elector

(12) No elector shall deliver any ballot to the chairman to be voted except the one he received from the first election clerk

(13) No elector or anyone else shall, contrary to the sections listed in subsection (1) of this section, place any mark upon or do anything to his or any white ballot by which

it may be afterwards identified as the one voted by any particular individual.

(14) Violation of any subsection of this section is punishable, upon conviction, by a fine of not less than \$50 nor exceeding \$500, or by imprisonment in the county jail not less than three months nor exceeding one year, or both.

260.660 Wilful and fraudulent violations of certain sections; penalty. (1) No person shall wilfully or fraudulently alter or destroy any white ballot cast at any election or any of the returns of any election regulated by the sections listed in ORS 260.650, or introduce among the genuine ballots a fraudulent ballot

(2) No person shall falsely write the initials of the chairman or any writing upon the ballot or ballot stub purporting to be written by the clerk or chairman

(3) No person shall steal any of the ballots or returns, or wilfully or fraudulently hinder or delay the delivery of any of the election returns to the county clerk, or wilfully break open any of such sealed returns of any election regulated by the sections listed in ORS 260.650.

(4) Violation of this section is punishable, upon conviction, by a fine of not less than \$500 nor more than \$2,000, or imprisonment in the penitentiary not exceeding three years, or both

260.670 Injury to or destruction of posted notices, ballots and election supplies; penalty. (1) No person shall, prior to or during an election, wilfully deface, tear down, remove or destroy any list of candidates or other notice posted in accordance with the sections listed in ORS 260.650 or, during an election, wilfully deface, tear down, remove or destroy any card of instruction or specimen ballot posted under such sections for the instruction of voters, or deface, tear down, remove, alter or destroy any certificate of the result of the election posted under the provisions of such sections, or, during an election, wilfully remove or destroy any of the official white or sample ballots, supplies or conveniences furnished to enable a voter to prepare his ballot, or wilfully break the seals or open any of the sealed packages containing any of the supplies for the polling places contrary to such sections

(2) Violation of this section is punishable, upon conviction, by a fine of not less

than \$50 nor more than \$500, or by imprisonment in the county jail not more than one year, or by both

260.680 Bribery of voter and offering consideration with intent to influence voter; penalty. (1) No person shall give, offer or promise to give any gift, gratuity, valuable consideration or thing whatever to any voter of this state, or promise to do or cause to be done any act beneficial to such voter, with intent to influence or induce him to vote, at any legally authorized election in this state, for or against a particular person or candidate, or in a particular way

(2) Violation of this section is punishable, upon conviction, by imprisonment in the county jail not less than three months nor more than one year, or imprisonment in the penitentiary not more than five years

260.690 Acceptance of consideration by voter pursuant to agreement; penalty. (1) No voter of this state shall accept or receive any gift, gratuity, valuable consideration or thing, or any promise thereof, or any promise to do or cause to be done any act beneficial to such voter, with the understanding or agreement, express or implied, that such voter will, at any legally authorized election in this state, give his vote for or against a particular person or candidate, or in a particular way

(2) Violation of this section is punishable, upon conviction, by imprisonment in the county jail not less than three months nor more than one year or by imprisonment in the penitentiary not more than five years

260.700 Who is voter; punishment for second offense. A person who actually votes or offers to vote at the election specified and designated in ORS 260 680 and 260 690, although by law he may not be entitled to vote thereat, shall be held and deemed to be a voter within the meaning of such sections and for the purposes therein expressed

(2) If any person, having been convicted of any crime defined in ORS 260 680 and 260.690, is afterwards convicted of the same or any other crime defined in such sections, he shall be punished by imprisonment in the penitentiary as provided in such sections, and not otherwise.

260.710 Voting or offering to vote by person not entitled to vote; penalty. (1) No person shall vote, or offer to vote, at any legally authorized election, knowing he is not entitled by law to vote thereat, nor vote,

or offer to vote, at any poll or in any precinct at any such election, knowing he is not entitled to vote at such poll or in such precinct

(2) Violation of this section is punishable, upon conviction, by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail not less than three months nor more than one year.

260.720 Intimidation or attempt to intimidate voter or challenging of voter; penalty. (1) No person shall by menace, threat or violence, whether armed or unarmed, intimidate or prevent, or attempt to intimidate or prevent any person from challenging another voter, or to prevent any person from voting.

(2) Violation of this section is punishable, upon conviction, by imprisonment in the county jail not less than three months nor more than one year.

260.730 Influencing or interfering with employees in their voting; penalty. (1) No person or corporation shall directly or indirectly.

(a) Use any force, violence or restraint, or inflict or threaten to inflict any injury, damage, harm or loss, or in any other manner practice intimidation upon or against any person in his or its employ, in order to induce or compel such person to refrain from voting at any election, or to vote or refrain from voting for or against any person, or for or against any proposition submitted to the voters at such election, or to place or cause to be placed, or refrain from placing or causing to be placed, his name upon a registry of voters, or on account of any person having so voted or refrained from voting at such election, or having registered or refrained from registering as a voter;

(b) By abduction, duress or any forcible or fraudulent device or contrivance whatsoever, impede, prevent or otherwise interfere with the free exercise of the elective franchise by any person in his or its employ, or compel, induce or prevail upon any voter to give or refrain from giving his vote for or against any particular person or proposition, at any election;

(c) Being an employer, pay his employee the salary or wages due him in pay envelopes upon which there is written or printed any political motto, device or argument containing threats, expressed or implied, intended or calculated to influence the political opinions or actions of such employees, or

(d) Within 90 days before a general election put or otherwise exhibit in the establishment or place where his employees are engaged in labor, any handbill or placard containing any threat, notice or information that if any particular ticket or candidate is elected or defeated work in his place or establishment will cease in whole or in part, his establishment be closed up or the wages of his employees reduced, or other threats, expressed or implied, intended or calculated to influence the political opinions or actions of his or its employees.

(2) Violation of subsection (1) of this section is a misdemeanor

260.740 Penalty for violation of ORS 260.730. Any person or corporation found guilty of violating any of the provisions of ORS 260.730 shall be fined not less than \$100 nor more than \$1,000, and, if a corporation, shall in addition forfeit its charter.

260.750 Influencing voter to change place of habitation for purpose of illegal voting; penalty. (1) No person shall by promise of favor or reward, or otherwise, induce or persuade any person to come into this state, or into any county or precinct within this state, for the purpose and with the intent that such person shall, by so changing his habitation, vote at any general election which may hereafter be held in this state, at any place where such voter or person is not a bona fide resident

(2) Any person violating this section shall be deemed guilty of a felony and, upon conviction thereof, shall be punished as provided in ORS 260.770.

260.760 Causing absence of voter from place of residence or polls to prevent voting; penalty. (1) No person shall by promises of favor or reward, or otherwise, induce or persuade any voter within this state to absent himself from his actual and bona fide place of residence with intent to prevent or hinder such person from voting at such place of residence at any general election in this state

(2) No person shall, in the manner provided in subsection (1) of this section, induce or persuade any legal voter to remain away from the polls and not vote at any general election in this state

(3) Violation of this section shall be

deemed a felony, punishable as provided by ORS 260.770.

260.770 Penalty for violation of ORS 260.750 and 260.760. Violation of ORS 260.750 or 260.760 is punishable, upon conviction, by a fine of not less than \$100 nor more than \$1,000, or imprisonment in the penitentiary not more than three years, or both, in the discretion of the court; and any person so convicted shall be forever ineligible to hold any office of trust or profit in this state

260.780 Neglect of duty or corrupt conduct of election officer; penalty. (1) No judge or clerk of an election, or other officer or person on whom any duty is enjoined by law relative to any election authorized by law, or to the return or canvassing of votes given at any such election, shall wilfully neglect such duty, or engage in any corrupt conduct in the discharge of the duty.

(2) Violation of this section is punishable, upon conviction, by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail not less than three months nor more than one year, or by imprisonment in the penitentiary not more than three years

260.790 Disturbing election officers or voters by disorderly conduct at polls; penalty. (1) No person shall behave in a riotous, disorderly or tumultuous manner at or in the immediate vicinity of any poll or place of voting during the progress of any election authorized by law, nor wilfully and wrongfully disturb or interrupt the officers or any of them engaged in holding any such election, or any person being in such vicinity and voting or attempting or intending to vote

(2) Violation of this section is punishable, upon conviction, by a fine of not less than \$50 nor more than \$500, or by imprisonment in the county jail not less than one month nor more than one year

260.800 Applicability of ORS 260.680 to 260.790 to primary elections. The provisions of ORS 260.680 to 260.790 apply to primary elections held under the provisions of ORS 221.180, 248.010 to 248.150, or those sections referred to as the primary election law in ORS 249.010.

**MISCELLANEOUS OFFENSES
PECULIAR TO PRIMARY ELECTIONS**

260.810 Neglect of duty or corrupt conduct of primary election officers; penalty.

(1) No judge or clerk of a primary election or other officers or persons on whom any duty is enjoined by ORS 221.180, 247.110, 248.010 to 248.150, 249.010 to 249.120, 249.310 to 249.560, 249.590 to 249.610, 250.130 or 251.010 to 251.050 shall wilfully neglect such duty, or engage in any corrupt conduct in the discharge of the duty.

(2) Violation of this section is punishable, upon conviction, by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail not less than three months nor more than one year, or by

imprisonment in the penitentiary not exceeding five years.

260.820 Consequences of candidates' wrongful or unlawful acts. Any candidate for nomination guilty of any wrongful or unlawful act at a primary election which would be sufficient, if such wrongful or unlawful act had been done by such candidate at the regular general election, to cause his removal from office, shall, upon conviction thereof, be removed from office in like manner as though such wrongful or unlawful act had been committed by him at a regular general election, notwithstanding that he may have been regularly elected and not have been guilty of any wrongful or unlawful act at the election at which he was elected to his office.

