

TITLE 23

ELECTIONS

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Chapter 246

1955 REPLACEMENT PART

Election Precincts and Officers

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CROSS REFERENCES

Constitutional provisions relating to suffrage and elections, Const. Art. II
Counties composing congressional districts, 250.290
Election precincts and officers when voting machines are used, Ch. 258

246.010
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Ward boundary lines within cities, Const. Art. II, § 14a, 221.906

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Election officials for municipal elections, 221.906, 250.230

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Second board to serve at primary election, 249.360

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Constitutional provisions relating to filling vacancies in local offices, Const. Art. VI, § 9

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Payment of compensation for services at primary elections, 249.440

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Election offenses, Ch. 260

Punishment of election officer for failure to perform or improper performance of duties, 253.150, 260.630, 260.650, 260.780

246.010 Establishment of precincts. The county court shall, at the regular July term preceding the primary election, establish election precincts within the county. The court may set off and establish as many election precincts as are deemed necessary or convenient. No precinct shall contain more than 500 electors, as shown by the number of votes cast in the precinct at the last election. The court shall designate the precincts by numbers or names and shall bound the same. No precinct in any incorporated city with a population of 2,000 or more, according to the last United States census, shall include territory outside the corporate limits of the city.

246.020 Judges and clerks of election; qualifications and appointment; polling places. The county clerk shall select a list of voters from each precinct and submit it to the county court. If satisfactory to the court, it shall, at the regular term in January preceding a general election, appoint therefrom two judges and three clerks of election for each precinct, to serve for the period of two years, and shall designate one judge to be chairman. The judges and clerks shall be qualified electors within the precinct or contiguous precincts for which they are appointed, able to read, write and speak English and not a candidate for an office to be voted for at the ensuing election. They shall not all be members of the same political party. At least 10 days before any election, the county court shall designate one polling place in each precinct and fill all vacancies that may happen among judges and clerks by reason of death, removal from the precinct or contiguous precincts, disqualification or excusal by the board for sufficient cause.

246.030 Appointment of additional judges and clerks. In precincts where 100 or more ballots were cast at the last general election or in which the county court believes

that 100 or more will be cast at the next general election, the court may, at the January term, appoint a second board consisting of two judges and three clerks for each precinct. They shall hold office for two years and shall possess the same qualifications as required by ORS 246.020 for the first board.

246.040 Notifying appointees and posting their names; hearing and determining objections; filling vacancies. (1) Immediately after appointment of judges and clerks at the January term, as required by ORS 246.020 and 246.030, the clerk of the county court shall make a complete list showing the names of the persons appointed for each precinct and certify it. He shall post it in a conspicuous place in his office and keep it posted for three months.

(2) Electors shall, after the posting, be entitled to make and file with the clerk, without charge, their objections and suggestions respecting the appointments, with a view to having them revised by the court. At 10 a.m. on the second Wednesday of the following term, the county court shall hear all objections and suggestions regarding the appointments. The court shall continue in session from day to day, without permitting other business to interfere, until all objections and suggestions are heard and determined and the decisions of the court announced.

(3) When the appointments have been announced, the clerk shall make a revised list showing the names of the judges and clerks so appointed for each precinct, certify it and keep it in a conspicuous place in his office for two years for public inspection. The clerk shall then immediately, by mail, notify each of the appointees of his appointment and request his acceptance in writing. The clerk shall procure a notification book, substantially in the following form and use it in notifying the appointees and preserving a record of the matter:

Stub No.....	Notice No.....	Acceptance No.....
Name	To	(Note.—Any judge or clerk of election who accepts this appointment and thereafter fails to attend and perform his duties, is subject to fine and imprisonment.)
P. O. address.....	P. O. address.....	I hereby accept the appointment of.....
.....	You are hereby notified that the county court on....., 19....., appointed you..... of election for.....
Clerk, judge or chairman..... of precinct No..... County, Oregon, to serve for two years.	precinct County, Oregon, for two years from this
Precinct No.....	Please sign and return to me your acceptance of the office upon attached blank. day of
..... County, Oregon.	(L. S.)....., 19.....
Date of appointment:.....	Clerk of the County Court for	Appointee
..... County, Oregon	

Immediately upon receipt of the acceptance of the appointee the clerk shall file it and attach it to the stub.

(4) No judge or clerk, after accepting his appointment, shall fail to attend promptly and perform his duties as such clerk or judge. If any appointee fails to accept the appointment within two weeks after being notified or if a vacancy occurs by resignation, death or removal from the county, the court shall appoint some other qualified person, pursuing the same method as in the first instance.

246.050 Compensation of election officers and payment of election expenses. The county court or board of county commissioners shall allow to the several judges, clerks and supervisors of election, compensation at a rate not exceeding 75 cents per hour and not less than \$4 per election, while holding elections. This shall be paid out of the county treasury. Each court or board of county commissioners shall audit and pay out of the county treasury a reasonable rental for polling places and the necessary expenses incurred by the county clerk and the sheriff in carrying out the provisions of the statutes regulating the manner of conducting elections.

246.060 Appointment of supervisor of election and judges and clerks of election in Multnomah County. (1) In counties having a population of over 300,000, the board of county commissioners shall, at the second meeting in January preceding a general election, appoint for each precinct a qualified elector to act as supervisor of election. The supervisor of election shall act as chairman of one of the boards of judges and clerks of election. It shall be his duty to prepare a list of electors qualified to act as judges and clerks of election and present it to the board of county commissioners by the first Monday in February. At the board's second meeting in February it shall appoint an additional judge and three clerks and other judges and clerks for each precinct where more than one board of election is deemed necessary. The supervisor, judges and clerks shall serve for a period of two years from appointment. The board of county commissioners may remove any supervisor, judge or clerk at any time for any cause which it deems sufficient. The judges and clerks shall be qualified, registered electors within the precinct or contiguous precincts for which they are appointed. They shall be able to read,

write, speak English and be of sufficient intelligence to perform their duties correctly. The members of each of the boards of election shall not all be members of the same political party.

(2) All provisions of the general election laws not in conflict with subsection (1) of this section are continued in full force and effect.

246.070 Appointment and compensation of the registrar of elections in Multnomah County. In each county having a population of more than 250,000, the board of county commissioners shall appoint an officer to be known as the registrar of elections. He shall receive an annual salary of \$5,400 to be paid as are the salaries of other county officers.

246.080 Duties of the registrar of elections. The registrar of elections shall perform all the duties which are now or hereafter may be prescribed to be performed by the county clerk, the supervisor of elections or the sheriff in connection with:

- (1) Registration of voters.
- (2) Conducting elections which includes giving notice thereof.
- (3) Preparation of ballots.
- (4) Securing of polling places.
- (5) Furnishing and delivering election supplies.
- (6) Canvassing of votes.
- (7) Custody of all records.
- (8) Issuing certificates of election.
- (9) All other acts required of county clerks, supervisors of elections or sheriffs pertaining to holding general, primary or special elections.

246.090 Registrar of elections may employ deputies and assistants; administration of oaths. A registrar of elections acting pursuant to ORS 246.070 to 246.100 may employ such deputies and assistants as are necessary in performing the duties of his office, whose compensation shall be fixed by the board of county commissioners. The registrar and his deputies may administer oaths in connection with the performance of their duties.

246.100 Registrar of elections to assume duties and receive records and equipment from other officers. Upon appointment and qualification of a registrar, the county clerk, supervisors of election and sheriff shall be relieved from the performance of all duties in connection with the registration of

voters and the calling and holding of elections. They shall deliver to the registrar all records, properties and equipment in their custody pertaining to elections.

246.110 to 246.500 [Reserved for expansion]

246.510 Time within which election documents must be received by election officer. All declarations of candidacy for nomination for a public office, completed nominating petitions, statements and portrait cuts for official Voters' Pamphlets, reports of election campaign contributions and expenditures, initiative and referendum petitions and other papers and documents of like nature, required by law to be filed with the Secretary of State, county clerk, county registrar of elections, city clerk, recorder, auditor or

other elections officer, not later than a specified number of days prior or subsequent to an election, must be delivered to and actually received at the office of the designated official not later than 5 p. m. of the last day permitted by law for such filing. [1955 c.246 §1]

246.520 to 246.980 [Reserved for expansion]

246.990 Penalties. Violation of subsection (4) of ORS 246.040 shall be deemed a contempt of court and the violator shall be summarily summoned to appear before the court. In case of wilful neglect the violator shall pay the costs of the proceeding and shall be fined not to exceed \$50 and imprisoned in the county jail not to exceed one month, in the discretion of the county judge.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on October 15, 1955.

Sam R. Haley
Legislative Counsel

