

Chapter 249

1955 REPLACEMENT PART

Conduct of Primary Elections; Nominating Procedures

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**PETITION METHOD OF SELECTING
CANDIDATES FOR NOMINATION
AT PRIMARY ELECTION**

249.010. Nomination of candidates by primary elections; sections constituting "primary election law." Each political party, as defined in ORS 248.010, shall nominate all its candidates for public office in the manner provided by ORS 249.010 to 249.120 and 249.310 to 249.610, which sections are referred to in this chapter as the primary election law, and it shall not be allowed to nominate any candidate in the manner provided by ORS 249.710. "Political party," as used in the primary election law, has the meaning given that term in ORS 248.010.

249.020 Filing of candidates' petitions for nomination. Before or when beginning to circulate petition for nomination to any office under the primary election law the person who is to be candidate for the nomination shall send by registered mail or otherwise to the Secretary of State, county clerk, city clerk, recorder or auditor, as the case may be, a copy of his petition for nomination, signed by him. The copy shall be filed and shall be conclusive evidence for the purposes of the primary election law that the elector has been a candidate for nomination by his party. All nominating petitions and notices pertaining to candidates for the office of delegate to a party national convention, elector of President and Vice President of the United States, judge of the circuit court, district attorney, State Senator or Representative in the Legislative Assembly, or other office to be voted for in the state at large or in a district composed of one or more counties shall be filed with the Secretary of State. All nominating petitions and notices pertaining to candidates for county offices and district or precinct offices within a county shall be filed with the county clerk. All nominating petitions and notices pertaining to candidates for city offices shall be filed in the office of the city clerk, recorder or auditor, as the case may be.

249.030 Form of petitions for those seeking nomination. Any qualified elector who has filed his petition, and is registered as a member of a political party subject to the provisions of ORS 249.010 shall have his name printed on the official nominating ballot of his party as a candidate for nomina-

tion for any office at a primary election if there is filed in his behalf a petition signed as provided in this section. The petition should be substantially in the following form:

To (address of the officer with whom the petition is to be filed), and to the members of the party and the electors of (state), (counties of), comprising the (district), (county), (city) (as the case may be), in the State of Oregon:

I,, reside at, and my postoffice address is I am a registered member of the party, and I have been a registered member of that party for a period of 180 days prior to this date. If I am nominated for the office of, at the primary election to be held in the (State of Oregon), (district), (county), (city), the day of, 19...., I will accept the nomination and will not withdraw, and if I am elected I will qualify.

If I am nominated and elected, I will, during my term of office (here the candidate, in not exceeding 100 words, may state any measure or principles he especially advocates, and the form in which he wishes it printed after his name on the nominating ballot, in not exceeding 12 words).

If I am not nominated, I will not accept the nomination or indorsement of any party other than the one in which I am now registered.

Every petition shall be signed by the elector seeking the nomination. There shall be a separate sheet signed on every petition for each precinct in which it is circulated. After the above petition, and on a separate sheet or sheets, shall be the following petition:

To (Secretary of State of Oregon), or (to, the county clerk for the County of, Oregon), or (to, city clerk of the City of, as the case may be):

We, the undersigned registered members of the party and qualified electors and residents of precinct, in the County of, State of Oregon, respectfully request that you have printed on the official nominating ballot for the party at the primary election the name of the abovesigned (name of applicant) as the candidate for

nomination to the office of
(title of office) by said party.

Precinct.....	Name	Postoffice address	Street and number if any
.....

Before the petition is offered for filing the signatures on each sheet shall be certified as to their genuineness. This shall be done by the county clerk of the county in which they were secured and in the manner provided by ORS 254.040 for the authentication of signatures on initiative and referendum petitions. The county clerk's certificates of the authentication shall be attached to and made a part of the petition. Only signatures certified to be the genuine signatures of registered voters shall be considered and counted by the officer with whom the petition is required to be filed.

249.040 Requirements regarding the number and distribution of persons signing petitions. (1) The vote cast at the last general election by a political party in each precinct for Representative in Congress shall be the basis on which the percentage for petitions shall be counted; provided, that if any political party cast 25 percent of the total votes in the state for Representative in Congress, although less than the required percentage in any one or more electoral districts, county, municipality or precinct, it shall nevertheless be subject to the provisions of the primary election law in making nominations in such electoral district, county, municipality and precinct.

(2) If the nomination is for a municipal office or an office to be voted for in only one county, the necessary number of signers shall include electors residing in at least one-fifth of the voting precincts of the county, municipality or district. If it is a state or district office and the district comprises more than one county, the necessary number of signers shall include electors residing in each of at least one-eighth of the precincts in each of at least two counties in the district. If it is an office to be voted for in the state at large, the necessary number of signers shall include electors residing in each of at least one-tenth of the precincts in each of at least seven counties. If it is an office to be voted for in a congressional district, the necessary number of signers shall include electors residing in at least one-tenth of the precincts in each of at least one-fourth of the

counties in the district. The number of signers required on every petition shall be at least two percent of the party vote in the electoral district as above stated. However, the whole number of signers required on a nominating petition under the provisions of the primary election law for any office to be voted for in the state at large, or in a congressional district, shall not exceed 1,000. In any other case the whole number required shall not exceed 500.

(3) All the sheets making one petition shall be fastened together before they are forwarded to the proper officers for filing. There shall not be in any petition the name of more than one candidate for nomination. Any elector may sign more than one nominating petition for the same office.

(4) It shall be unlawful for any person to sign another person's name to any petition required by the primary election law. It shall be unlawful for any person to sign any nominating petition required by the primary election law unless he is a qualified elector and at the time of signing has registered for the ensuing election as a member of the political party represented by the petition. Any names or signatures placed on any petition in violation of the provisions of the primary election law shall not be counted in computing the number of signers necessary to make it a valid and effective petition.

249.050 Qualifications of signers of petitions. Only persons who are qualified electors and registered members of a party making its nominations under the provisions of the primary election law shall be qualified to sign a petition for nomination. No person shall be qualified to sign a nominating petition of any other political party for the primary election than that with which he is registered as a member. This shall not be construed to prevent a registered member of a party from signing a petition for the nomination of any independent or nonpartisan candidate after the primary election, nor to prevent any qualified elector from signing petitions for more than one candidate for the same office on one party ticket.

249.060 Time for filing petitions for nomination; candidate's party qualifications. All petitions for nominations required to be filed with the Secretary of State and all petitions required to be filed with the county clerk, city clerk, recorder or auditor, as the case may be (in towns or cities having 2,000 or more inhabitants), shall be filed not later

than the seventieth day prior to the primary election. If it is found that a candidate is not qualified by registration as represented in his petition for nomination, he shall not be entitled to receive or hold the nomination of the party in which he claims membership. A temporary lapse of registration by reason of change of residence, failure to vote in the prescribed number of elections or change in the candidate's name through marriage, shall not constitute a lapse of membership if, immediately prior to such temporary lapse of registration, the candidate was in fact a member of the political party through which he seeks the nomination and was not a member of any other political party within the period of 180 days next preceding the date on which he filed his petition for nomination. Also, the provision requiring the candidate to be qualified by registration does not apply to any candidate whose twenty-first birthday falls within such period of 180 days.

249.070 [Reserved for expansion]

249.080 Information to be kept in Register of Candidates for Nomination and Register of Nominations. (1) The Secretary of State, county clerk, and the city clerk, recorder or auditor of cities having 2,000 inhabitants or more, shall keep a book entitled "Register of Candidates for Nomination at the Primary Election." They shall enter on different pages of the book for different political parties subject to the provisions of the primary election law:

- (a) The title of the office sought.
- (b) The name and residence of each candidate for nomination at the primary election.
- (c) The name of his political party.
- (d) The date of receiving the first copy of his petition signed by the candidate.
- (e) The words he wishes printed after his name on the ballot, if any.
- (f) The date of receiving his petition.
- (g) The number of signatures on it and the number of signatures required to make a valid petition for nomination to the office by his political party.
- (h) Such other information as may aid him in arranging his official ballot for the primary election.

(2) Immediately after completing the canvass of votes at a primary election, the Secretary of State, county clerk or city clerk, recorder or auditor, as the case may be, shall enter in his book marked "Register

of Nominations" provided by ORS 249.810:

- (a) The date of the entry.
- (b) The name of each candidate nominated.
- (c) The office for which he is nominated.
- (d) The name of the party making the nomination.

249.090 Registers to be public records; furnishing copies of election records; preservation of election records and materials. Registers of candidates for nomination and of nominations mentioned in ORS 249.080, and petitions, letters and notices and other writings required by law, as soon as filed, shall be public records, and shall be open to public inspection under proper regulations. When a copy of any such writing is presented at the time the original is filed, or at any time thereafter, and a request is made to have such copy compared and certified, the officers with whom such writing was filed, shall forthwith compare such copy with the original on file, and, if necessary, correct the copy and certify and deliver the copy to the person who presented it on payment of his lawful fees therefor. All such writings, poll books and tally sheets pertaining to the primary elections under the provisions of the primary election law shall be preserved as other records are, for two years after the election to which they pertain.

249.100 Secretary of State to arrange names and information about candidates for the ballots. The Secretary of State shall arrange all the names and information concerning all candidates for nomination contained in the valid petitions which have been filed with him in accordance with the provisions of the primary election law. This shall be done not more than 70 days nor less than 61 days before the day for the primary election. The arranging shall be done in the manner provided by this chapter for placing that information on the ballots. He shall promptly certify it under the seal of the state and file it in his office. He shall make and transmit a duplicate by registered letter to the county clerk of each county in the state. He shall also post a duplicate in a conspicuous place in his office and keep it posted until after the primary election has taken place. In case of emergency the Secretary of State may transmit the duplicate by telegraph.

249.110 Local officers in certain cities to arrange names and information about candidates for the ballots. The appropriate city officer in cities having 2,000 or more inhabitants, according to the last United States census, shall arrange, in the manner provided by law for the arrangement of the names and other information upon the ballots, all the names and information concerning all candidates for nomination contained in the valid petitions which have been filed with him in accordance with the provisions of law, or provisions of ordinances or charters. This shall be done not more than 70 days nor less than 61 days before the day for the primary election. He shall promptly certify it and file it in his office. He shall make and transmit a duplicate by registered letter to the county clerk of the county in which the city is situated. He shall also post a duplicate in a conspicuous place in his office and keep it posted until after the primary election has taken place. In case of emergency, the city officer may transmit the duplicate by telegraph.

249.120 Nomination of party candidates to fill vacancies in nominations or in offices. In case any candidate nominated under the provisions of the primary election law dies, withdraws or for any reason is ineligible, or if there occurs a vacancy by death, resignation or otherwise, in the office of United States Senator or Representative in Congress, or in any elective state, district, county or precinct office, on or after the day set by law for holding primary elections, or if such vacancy occurs before such nominating election but within such time that a candidate for such vacancy could not be nominated at such election, either the state, congressional or county central committee, as the case may be, of any political party, or the managing or executive committee thereof, may nominate a candidate for the vacancy upon the call of the chairman of the committee. The name of the person so nominated for the vacancy shall be certified to the proper officer by the chairman of such committee, attested by the secretary thereof, substantially in the manner provided by ORS 249.840 and 249.850. In the event such nomination is filed with the Secretary of State he shall certify the same to the various county clerks in the manner prescribed in ORS 249.850.

249.130 to 249.200 [Reserved for expansion]

DECLARATION METHOD FOR BECOMING CANDIDATE FOR NOMINATION AT PRIMARY ELECTION

249.210 Declaration of candidacy; filing. In addition to the method provided in ORS 249.010 to 249.120, any registered elector may become a candidate for his party's nomination for any office for which he is constitutionally eligible or for selection as national committeeman, national committeewoman, delegate to a national party convention or presidential elector by filing declaration of his candidacy as provided in ORS 249.210 to 249.280. The declaration must be accompanied by the required filing fee. The filing of a declaration with the proper official shall be conclusive evidence that the elector is a candidate for nomination or selection by his party. All declarations pertaining to candidates for national committeemen or committeewomen, delegates to national party conventions, presidential electors, judge of the circuit court, district attorney, State Senator or Representative in the Legislative Assembly, or other office to be voted for in the state at large, or in a district composed of one or more counties, shall be filed with the Secretary of State. All declarations pertaining to candidates for county offices and district or precinct offices within a county shall be filed with the county clerk. All declarations for city offices shall be filed in the office of the city clerk, recorder or auditor, as the case may be.

249.220 Form of declaration. Declarations of candidates for party nominations shall be substantially as follows:

To (address of officer with whom the petition is to be filed), and to the members of the party and the electors of (state) (counties of), comprising the (district), (county), (city), (as the case may be), in the State of Oregon, I, , reside at and my postoffice address is..... I am a registered member of the..... party, and I have been a registered member of that party for a period of 180 days prior to this date. If I am nominated for the office of at the primary election to be held in the (State of Oregon), (district), (county), (city), the day of....., 19...., I will accept the nomination and will not withdraw, and if I am elected I will qualify as such officer.

If I am nominated and elected, I will, during my term of office (here the candidate, in not exceeding 100 words, may state any measure or principles he especially advocates, and the form in which he wishes it printed after his name on the nominating ballot, not exceeding 12 words).

If I am not nominated, I will not accept the nomination or indorsement of any party other than the one in which I am now registered.

I enclose (check, draft, money order or cash, as the case may be) in the sum of \$..... to cover the filing fee required by law.

.....
(Signature of Candidate)

249.230 Declaration for delegates to national convention. Declarations of candidates for delegates to national party conventions shall be substantially as follows:

To, Secretary of State:
I, reside at.....
and my postoffice address is
I am a registered member of the.....
party. If I am selected as delegate to the national convention to be held at on the..... day of....., 19...., I will use my best efforts to bring about the nomination of those persons for President and Vice President of the United States who receive the largest number of votes at the coming primary election in the State of Oregon.

I believe [here the candidate in not exceeding 100 words, may state the names of candidates or principles in which he especially believes, and the 12 words (or less) which he desires printed on the ballot].

I inclose (check, draft, money order or cash, as the case may be) in the sum of \$..... to cover the filing fee required by law.

.....
(Signature of candidate)

249.240 Declaration and pledge for presidential electors. Declarations of candidates for presidential elector shall be substantially as prescribed by ORS 249.230. The candidates shall pledge themselves, if elected, to vote for their party's nominees for President and Vice President of the United States in the electoral college.

249.250 Declaration and pledge for national committeemen. Declarations of candidates for national committeemen and nation-

al committeewomen shall be substantially as prescribed by ORS 249.230. The candidates shall pledge themselves, if elected, to represent their constituents to the best of their ability.

249.260 Time of filing declaration. All declarations of candidates required to be filed with the Secretary of State and those required to be filed with the county clerk or city clerk, recorder or auditor in cities having 2,000 or more inhabitants, shall be filed not later than the seventieth day prior to the primary election.

249.270 Filing fees. The filing fees required of candidates to be paid at the time of filing declarations shall be as follows:

- (1) United States Senator.....\$150.00
- (2) Offices to be voted for in the state at large except national committeemen and national committeewomen, delegates to national party conventions and presidential electors 100.00
- (3) Representatives in Congress where they are selected by districts 100.00
- (4) All other candidates for district offices embracing more than one county except Senators and Representatives in the legislature, and for candidates for circuit judge 50.00
- (5) Candidates for county offices, including district attorneys and district judges, and excepting district offices within the county 20.00
- (6) Candidates for Senator and Representative in the legislature 10.00
- (7) National committeemen, and national committeewomen, delegates to national party conventions and presidential electors 15.00
- (8) District offices within the county except district attorneys and district judges 5.00
- (9) Trustees of highway improvement districts No fee

249.280 Effectiveness of declaration; withdrawals; printing names on primary ballot. Upon the proper filing of notice of candidacy accompanied by the required fee, the candidacy shall be complete. If the candidate withdraws he must state his reasons under oath and file them with the proper official not later than the sixty-seventh day prior to the date of the primary election. If he does not withdraw, the Secretary of State, county clerk, city auditor or clerk, as the case may be, shall cause the name of

the candidate to be printed upon the official ballot at the primary election. No additional signatures or fees shall be required to make the candidacy complete and effective. If it is found that a candidate is not qualified by registration as represented in his declaration of candidacy, he shall not be entitled to receive or hold the nomination of the party in which he claims membership. A temporary lapse of registration by reason of change of residence, failure to vote in the prescribed number of elections or a change in the candidate's name through marriage, shall not constitute a lapse of membership if, immediately prior to this temporary lapse, the candidate was in fact a member of the political party through which he seeks the nomination and was not a member of any other political party within the period of 180 days next preceding the date on which he filed. Also, the provision requiring the candidate to be qualified by registration does not apply to any candidate whose twenty-first birthday falls within such period of 180 days.

249.290 to 249.300 [Reserved for expansion]

PRIMARY ELECTION PROCEDURE

249.310 Rules for construing primary election law. The primary election law shall be construed in a manner to make it operate as nearly as possible in accordance with the theory expressed in the preamble to chapter 1, Oregon Laws 1901. Whenever the provisions of the primary election law in operation prove to be of uncertain meaning, or not sufficiently explicit in directions and details, the general laws of Oregon and especially the election and registration laws, and the custom, practice, usage and forms thereunder, in the same circumstances or under like conditions, shall be followed in the construction and operation of the primary election law, the objective being that the protection of the spirit and intention of the primary election law shall be extended so far as possible to all primary elections.

249.320 Construction of primary election law. The provisions of the primary election law and all statutes made applicable to primary elections shall be construed as though the primary elections were separate elections for each political party making its nomination thereunder. Primary elections shall be conducted, as nearly as practicable, in the same manner as regular biennial gen-

eral elections are now or hereafter conducted. The duties of all officers as to the conducting of primary elections and the furnishing of supplies therefor shall be substantially the same as is now required of such officers in the conduct of regular biennial general elections. The provisions of the primary election law are not intended to modify or in any manner control the proceedings at the regular biennial general elections, unless that intent is expressly and directly stated.

249.330 Provisions relating to conduct of general elections are applicable to primary elections; exceptions as to poll books and oath of voter upon being challenged at primary election. ORS 246.030, 246.050, 250.310 to 250.340, 250.360 to 250.440, 250.460 to 250.550, 250.640, 250.645 and 250.690 apply to primary elections under the provisions of the primary election law, except as they may be modified by or are in conflict with the primary election law. Each poll book at the primary election shall have a column headed with the name of each party making its nominations. This shall be for writing in the voter's party number as he receives his ballot, in addition to his general number. For the purposes of primary elections there shall be added to the form of oath prescribed by ORS 250.390 the words, "and that you are in good faith a member of the political party with which you are registered." [Amended by 1955 c.726 §7]

249.340 Date of primary election. On the third Friday in May 1954, and biennially thereafter, there shall be held in the several election precincts of the state a general primary election at which shall be nominated or elected such United States, state, district, county, city, town and precinct officers as are to be elected or nominated at the general primary election or general election of that year.

249.350 Statement of offices to be filled and giving notice of election. (1) The Secretary of State and the appropriate officers of incorporated cities having a population of 2,000 or more, according to the last United States census, shall prepare and furnish to each county clerk a statement showing the state, district or city offices for which candidates are to be chosen in his county by the political parties subject to the primary election law or by the cities as provided in this section. The statement shall include national committeemen, dele-

gates to any constitutional convention then called and delegates to the party national conventions. The statement shall be furnished not less than 60 days before any general primary election.

(2) The county clerk shall, not less than 30 days before any general primary election, prepare printed notices of the election and mail two of the notices to each judge and clerk of election in each precinct. The judges and clerks shall immediately post the notices in public places in their precincts. The notices shall be substantially in the following form:

PRIMARY ELECTION NOTICE

Notice hereby is given that on....., the day of, 19...., at the....., in the precinct of, in the County of, Oregon, a general primary election will be held at which the (insert names of political parties subject to this law) will choose their candidates for United States Senators in Congress, if any, Representatives in Congress, state, district, county, precinct and other offices, namely, (here name the offices to be filled, including national committeemen, delegates to national party conventions and delegates to any constitutional convention then called, and candidates for county central committeemen to be elected). The election will be held at 8 a.m. and will continue until 8 p.m. of that day.

Dated this day of, 19....

....., County Clerk.

249.360 Election precincts, polling places and judges and clerks. The election precincts provided in ORS 246.010, and the judges, clerks and polling places provided by ORS 246.020, shall be the same for the primary elections provided for in the primary election law, and it shall be the duty of the judges and clerks to act as such at all primary elections, except as otherwise provided by ORS 221.180. In all election precincts in which second boards of judges and clerks have been or may be appointed as required by ORS 246.030, and in which more than 100 members of all or any of the political parties subject to the provisions of the primary election law are registered as such before the day of the primary election, the second board shall meet at 1:00 p.m. or other hour as may be specified by the county clerk, at their respective polling places. The boards of judges and clerks shall then pro-

ceed at the primary election as required by ORS 250.470 at a general election.

249.370 Counting ballots and sealing returns. Immediately after closing the polls at a primary election the names of the electors of each political party who voted at the election shall be counted. The number voting for each political party shall be written and certified in each of the poll books at the end of the list. It shall be immediately signed by each of the judges and clerks in the manner provided by ORS 250.310 for a general election. Immediately afterwards the clerks and judges of election shall open the ballot boxes at each polling place and take from them the ballots. The ballots for each political party shall be counted separately. If the charter of any incorporated city of a population of more than 2,000 according to the last United States census provides for nomination or election of city officers in any other manner than under the direct primary election laws of this state, ballots for those city elections shall be counted separately and deposited in a separate box. Only one ballot shall be removed from the ballot box at one time. It must be fully read, counted and tallied before another ballot is removed from the box. The chairman shall take out one ballot and immediately read and announce distinctly, first, the number corresponding with the printed name for each office; second, or the name of each person whose name has been written in the ballot and the name of the official for which the ballot is counted. This shall be done while the ballot remains in his hands and while the second judge, not of the same political party as the chairman, and bystanders that have a right to be present outside the guard-rail, overlook the ballot. He shall then deliver the ballot to the second judge. The second judge shall examine it and immediately fold it, sign his name upon the outer back, number it consecutively, in the order in which counted, with pen and ink, string it on a strong string and carefully preserve it. The same method shall be followed as to each of the ballots in the box. The ends of the strings upon which the ballots have been strung shall then be securely knotted together, united and sealed under the official signatures and seals of the judges and clerks who counted them. The officials shall certify to the number of votes for each candidate for nomination for each office upon the ticket for each party. They shall then place

the counted ballots in the box. After all have been counted and certified to by the clerks and judges they shall seal the returns for each political party or for cities, as the case may be, in separate envelopes to be returned to the county clerk.

249.380 Furnishing tally sheets and their form. Tally sheets for each political party having candidates to be voted for at the primary election shall be furnished for each voting precinct by the county clerk, at the same time and in the same manner that the ballots are furnished. The names of candidates shall be placed on the tally sheets and numbered in the order they appear on the official and sample ballots. The proper political party shall be designated at the head thereof. The tally sheets shall be kept

by the judges and clerks of the primary election and shall contain the number and name of each person voted for, the particular office for nomination to which each person was voted for and the total number of votes cast for each candidate for nomination. The tally as it is kept by each of the clerks shall be audibly announced as it proceeds. The columns for numbers 12, 13, 14, etc., shall not be over three-eighths of an inch wide. The columns for the tallies shall be three-eighths of an inch wide. The lines shall be three-eighths of an inch apart. Every 10 lines the captions of the columns shall be reprinted between double-ruled lines in bold face, small pica. All the figures shall be printed in bold face, small pica. The tally sheets shall be substantially as follows and shall conclude with the following form of certificate:

Tally sheet for the primary election for _____ [name of political party], held at _____ precinct, in the County of _____, on the _____ day of _____, 19____.

No.	Names of Candidates	Office	Total vote received	No.	Tally 5	No.	Tally 10	No.	Tally 15
12	_____	_____	_____	12	_____	12	_____	12	_____
13	_____	_____	_____	13	_____	13	_____	13	_____
14	_____	_____	_____	14	_____	14	_____	14	_____

We hereby certify that at the above primary election and polling place each of the foregoing named persons received the number of votes set opposite his name as above set forth for the nomination for the office specified.

_____, Chairman.

_____, Judge.

_____, Clerk.

Who kept this sheet.

_____, Clerk.

_____, Clerk.

Who kept other sheets.

249.390 Method for keeping tally sheets.

(1) During the counting of ballots each clerk shall keep tally in ink upon one of the tally sheets of each political party. He shall total the number of tallies and write the total in ink immediately to the right of the last tallies for each candidate and also in the columns headed "total vote" and shall prepare the certificate to it as provided in ORS 249.380. Immediately upon completion of the count all clerks shall sign the tally sheets and each of them shall certify which sheets were kept by him. If the chairman and the second judge are satisfied with the correctness of them, they shall then sign all the tally sheets. The clerks shall then prepare a statement of that portion of the tally sheets showing the number, name, political party of each candidate for nomination and the office

and total votes received by each in the precinct. They shall then prepare the certificate to it. This statement shall be signed by the judges and clerks to complete the count. It shall be immediately posted in a conspicuous place on the outside of the polls and remain there for 10 days.

(2) When two boards of judges and clerks participate in the counting of ballots, each board shall keep and certify its own separate tally sheets. When one board is relieved by the other board, the retiring board shall, before adjourning, total up the tallies representing the ballots so far counted for each candidate for nomination. A memorandum of the total vote received by each candidate shall be noted on the tally sheet in ink immediately above the last tallies for each candidate but in such manner as

not to render the tally sheets unfit for continuing the count when the board reconvenes. During the recess the chairman and second judge of the board shall each have the custody of one set of the tally sheets. The third set of sheets shall be deposited in the ballot box. All the third set of sheets shall be kept sealed under the official seal of the board until it reconvenes. When it is seen which board will have to complete the count, the outgoing board shall complete the additions and certifications upon its tally sheets and deliver two sets of its tally sheets to the chairman of the board which is to complete the count. The third set of tally sheets shall be sealed under the official seal of the board, indorsed on the outside to identify it, and retained by the chairman of the board which made and certified it. It shall be kept safely by him, subject to the control of the proper court.

249.400 Completing the count and sealing the poll books, tally sheets, ballots and boxes; seals not to be broken without court order or order of Secretary of State; disposition of used ballots and ballot stubs. (1) Immediately after canvassing the votes, the judges and clerks to complete the count, before they separate or adjourn, shall inclose the poll books in separate covers and securely seal them. They shall inclose the tally sheets in separate envelopes and seal them securely. They shall envelope all the ballots, fastened together as provided in ORS 249.370, and seal them securely. They shall in writing and in ink, specify the contents and address each package to the county clerk of the county in which the election precinct is situated.

(2) When two boards participate in counting, each board, before taking its recess, shall plainly mark and identify the last ballot which it has counted and seal it under the official seal of the board upon the back of the uppermost ballot. They shall then string the loose ends of the counted ballots and tie them tightly and seal the knot and string over the loose end of the ballots with their official seal. This shall be done in a manner that will show if broken. They shall leave them with the ballot boxes until the count is completed. These sealed packages of counted ballots shall be marked on the outside to show what numbers are contained therein. Once sealed, they are not to be opened by anyone until ordered by the proper court. When the count is completed,

the ballots, counted, sealed, enveloped and marked for identification, shall be packed in the two ballot boxes. Nothing else shall be put in the boxes. The boxes shall then be locked. The official seal of the board completing the count shall be pasted over the keyhole and rim of the lid of the box so the box cannot be opened without breaking the seal. Thereafter neither the county clerk nor the canvassers making abstracts of votes shall break the seals upon the ballot boxes, nor shall anyone break the seals on the boxes or the ballots, without an order from the proper court in case of contest or an order from the Secretary of State directing that a recount be made pursuant to ORS 251.510 to 251.620 or upon the order of the county court when the boxes are needed for the next election.

(3) The county clerk shall dispose of the ballots and ballot stubs by burning not less than 90 days after the time for any contest that may arise as a result of the election at which the ballots and stubs were used, unless otherwise ordered or restrained by some court. [Amended by 1955 c.498 §12]

249.410 Making and transmitting abstracts of votes. (1) On the third day after the close of any primary election or sooner if all the returns have been received, the county clerk shall select to assist him two registered voters of the county of the two political parties having the highest number of registered voters and they shall open the returns and make abstracts of the votes. Abstracts of votes for nominations for Governor and for Senator in Congress shall be on one separate sheet for each political party and shall be immediately transmitted to the Secretary of State, in the same manner as other election returns.

(2) Abstracts of votes, for nominations of each political party for offices to be voted for in the state at large and in districts composed of one or more counties, shall be on separate sheets for each political party and shall be forthwith transmitted to the Secretary of State as required by ORS 249.460.

(3) The abstracts of votes for county and precinct offices shall be on other sheets, separate for each political party. The county clerk shall immediately certify the nomination for each party and enter in the register of nominations the name of each of the persons having the highest number of votes for nomination as candidates for county and

precinct offices. The clerk shall mail notification to each person nominated.

249.420 Unsuccessful county candidates not eligible to become candidate of another political party; county clerk's duty. No candidate for nomination to a county or precinct office, who fails to receive the highest number of votes for the nomination of the political party with which he was affiliated at the time of filing his petition for nomination, shall be entitled to be the candidate of any other political party or to become an independent candidate at the ensuing election. In either case the county clerk shall not certify the name of such candidate.

249.430 Procedure in case of a tie vote for county office. When a tie exists between two or more persons for the same nomination by reason of their having an equal and the highest number of votes for nomination by one party to one and the same county or precinct office, the clerk whose duty it is to compare the polls shall give notice to the persons having the highest and equal number of votes to attend at his office at a time appointed by the clerk. At this meeting they shall proceed publicly to decide by lot which of the persons shall be declared nominated. The clerk shall immediately enter upon his register of nominations the name of the person thus nominated as though he had received the highest number of votes of his party.

249.440 Compensation of election officials. On the receipt of the returns of any general primary election, the county clerk shall make out his certificate stating the compensation to which the judges and clerks of election may be entitled for their services. He shall lay the same before the county court at its next term. The court shall order the compensation to be paid out of the county treasury.

249.450 The person with highest number of votes is nominated. In all primary elections in this state, under the provisions of the primary election law, the person having the highest number of votes for nomination to any office shall be deemed to have been nominated by his political party for that office.

249.460 Canvassing the votes and proclaiming nominations to state offices. The county clerk, immediately after making the abstracts of votes given in his county, shall make a copy of each of the abstracts and

transmit it by mail to the Secretary of State at the seat of government. The Secretary of State, in the presence of the Governor and the State Treasurer, shall proceed within 30 days after the primary election, or sooner if all returns have been received, to canvass the votes given for nomination for all officers to be voted for by the people of the state or of any district embracing one or more counties. The Governor shall grant a certificate of nomination to the person having the highest number of votes for each office and issue a proclamation declaring the nomination of each person by his party.

249.470 Unsuccessful state candidate not eligible to become candidate of another political party; Governor's duty. No candidate for nomination to an office to be voted for by the people of the state or of any district embracing one or more counties, who fails to receive the highest number of votes for the nomination of the political party with which he was affiliated at the time of filing his petition for nomination, shall be entitled to be the candidate of any other political party or to become an independent candidate at the ensuing election. In either case the Governor shall not include in his proclamation any such candidate.

249.480 Procedure in case of a tie vote for nomination to state office. In case there is no choice for nomination for an office mentioned in ORS 249.470, by reason of two or more persons having an equal and the highest number of votes of his party for nomination for the office, the Secretary of State shall immediately give notice to the persons having the highest and equal number of votes to attend at his office either in person or by attorney. The time shall be fixed by the Secretary of State. At this meeting they shall proceed to publicly decide by lot which of the persons shall be declared nominated by his party. The Governor shall issue his proclamation declaring the nomination of the person so selected.

249.490 Secretary of State to procure returns and abstracts when not received; transmission thereof by telegraph. If the returns and abstracts of the primary election of any county are not received at the Secretary of State's office within 30 days after the election, the Secretary of State shall immediately send a messenger to the county court of that county. The court shall furnish the messenger with a copy of the returns. The messenger shall be paid out of

the county treasury of such county the sum of 20 cents for each mile he necessarily travels in going and returning from the county. The county clerk, whenever it is necessary in order to send the returns and abstracts within the time provided in this section, may send them by telegraph, the message to be repeated. The county shall pay the expense of the telegram.

249.500 [Reserved for expansion]

PRIMARY ELECTION BALLOTS AND VOTING

249.510 Party membership required for voting at a primary election. No elector shall be qualified to vote, or permitted to vote, at any primary election required for the primary election law, and it shall be unlawful for him to offer to do so, unless he is registered, as required by ORS 247.110, as a member of one of the political parties choosing and nominating its candidates for public office under the provisions of the primary election law at such primary election. Every qualified elector offering to vote at any such primary election shall be given a ballot of the political party with which he is registered. He shall not be given a ballot of any other political party at that primary election.

249.520 Provisions of general election law relating to ballots, ballot boxes and arrangement of equipment at polling places, registration of voters and voting are applicable to primaries. (1) ORS 250.170 to 250.200, subsection (1) of 250.220, and 250.610 to 250.630 apply to primary elections under the primary election law, as far as they are not in conflict therewith.

(2) ORS 247.010 to 247.090, 247.130 to 247.150, 247.170, 247.210, subsection (1) of 247.990, 253.210, 260.610 and 260.620 apply to primary elections held under the provisions of the primary election law, so far as they are not in conflict therewith.

(3) ORS 250.650, 260.670 and 250.860, so far as they are not in conflict with or modified by the primary election law, apply to primary elections under the provisions of the primary election law.

(4) The words "white ballot" in every statute adopted by the primary election law shall, when applied to such primary election, be understood to mean, as to each political party nominating its candidates at such election, the official voting ballot of the respective political parties for that primary elec-

tion, whether the ballot is white, blue or yellow, as provided in ORS 249.540.

249.530 Arranging and posting information by the county clerk; printing ballots. The county clerk shall arrange, in the manner provided by law, the names and other information concerning all candidates and parties named in the valid petitions for nominations which have been filed with him and those which have been certified to him by the Secretary of State, or city officer, in accordance with the provisions of law. This shall be done not more than 65 days nor less than 55 days before the day fixed for the primary election. He shall immediately certify such information under the seal of the county court or the official seal of his office and file it in his office. He shall make and post a duplicate of it in a conspicuous place in his office and keep it posted until after the primary election. He shall immediately cause to be printed, according to law, the colored sample ballots and the official voting ballots for each political party.

249.540 Printing and furnishing of official and sample ballots. (1) There shall be provided at each primary election for each political party subject to the provisions of the primary election law and for each precinct, as many official ballots, and at least one-half of that number of the colored sample ballots, as there are voters registered in that political party in the precinct when the registration books are closed preceding such primary election. The sample ballots shall be duplicate impressions of the official ballots. The sample ballots shall in no case be white or colored any shade of blue or yellow or have perforated stubs. They shall be on a cheaper grade of colored paper and readily distinguishable from official ballots. The sample ballots shall be furnished as soon as printed, at any time before the primary election. They shall be furnished in reasonable quantities, by the respective county or city clerks, to all electors applying for them. On the day of the election, under the direction and control of the judges at each polling place, sample ballots shall be given in proper quantities to all electors applying for them. The sample ballots shall be used solely for the information and convenience of voters and if voted shall not be counted.

(2) ORS 250.080 applies to primary elections under the primary election law. All

official ballots designed to be voted at primary elections shall be printed for the republican party in black ink upon a good quality of white paper, for the democratic party in black ink upon a good quality of blue paper, and for any third party in black ink upon a good quality of yellow paper. For any additional party or for other separate ballots, they shall be printed upon paper of different color selected by the county clerk.

249.550 Style, form and arrangement of ballot. (1) The ballot shall be styled "Official Primary Nominating Ballot for the Party." It shall state:

(a) The number or name of the precinct and county they are intended for.

(b) Date election is to be held.

(c) The names of all candidates for nomination for offices to be filled at that election whose petitions have been made and filed as provided by the primary election law and who have not died or removed from their electoral districts.

(d) The names of candidates of the parties in the precincts for members of their county central committees, national committeemen and committeewomen, delegates to national party conventions, if any, candidates for city offices in incorporated cities having 2,000 or more inhabitants according to the last United States census, and of delegates to be chosen to any constitutional convention that may be called. It shall contain no other names of persons. The name of each person for whom, as a candidate for nomination, a valid petition has been filed shall be printed on the ballot in but one place. There shall be added opposite the name of each person the measures he specially advocates, expressed in not more than 12 words, as specified in the petition for nomination naming him for the office. Subject to the requirements of ORS 249.570, the names of the candidates for nomination to each office shall be arranged under the designation of the office, in alphabetical order, according to surnames. There shall be left at the end of the list of candidates for nomination to each office a blank space in which the elector may write the name of any person not printed on the ballot for whom he desires to vote as a nominee for such office. On the left margin of the ballots for each political party the name of the

uppermost candidate for nomination as printed shall be numbered 12, and the next 13, and the next 14, and so on consecutively to the end of the ballot, except as may otherwise be required by ORS 249.570. The blank lines shall not be numbered.

(2) Each ballot shall have along the top of it a stub one and one-half inches wide, perforated along the lower edge. On the left half of the stub shall be printed the words "Stub to be torn off by the chairman." On the right half shall be printed "Stub to be torn off by the first clerk." Sample ballots shall not be perforated. Immediately below the perforated line shall be printed, in capitals, these words, "OFFICIAL PRIMARY NOMINATING BALLOT FOR THE PARTY FOR PRECINCT, COUNTY, AT THE PRIMARY NOMINATING ELECTION TO BE HELD ON, THE DAY OF, 19...." Under this caption shall be printed, in bold face type, the words, "Mark a cross (X) between the number and the name of each candidate voted for." Below this shall be printed, in the manner aforesaid, the candidates for nomination for:

(a) Senator and Representatives in Congress and state offices.

(b) District and county offices.

(c) Precinct offices.

(d) Other offices.

The ballot shall be printed so as to give each elector a clear opportunity to designate his choice for candidates for nomination by making with indelible pencil a cross (X) to the left of the name of the candidate for whom he wishes to vote. On the ballot may be printed such words as will aid the elector, such as, "Vote for one," "Vote for three." The ballot shall be of sufficient length and width to permit this to be properly done. The official ballot for each party shall be arranged and printed in substantially the form set forth in ORS 249.560, but it may be printed in two or more columns. It shall be ruled, lined and spaced in the manner provided by ORS 250.110 and 250.120 for the official ballots at the regular general election.

249.560 Illustration of ballot form. The following is substantially the form to be followed in arranging and printing the official primary election ballot:

STUB To Be Torn Off By The Chairman	STUB To Be Torn Off By The First Clerk
OFFICIAL PRIMARY NOMINATING BALLOT FOR THE REPUBLICAN PARTY FOR KUTCHER PRECINCT NO. 6, JEFFERSON COUNTY, AT THE PRIMARY NOMINATING ELECTION TO BE HELD ON FRIDAY, THE 16TH DAY OF MAY, 19—.	

MARK A CROSS (X) BETWEEN THE NUMBER AND THE NAME OF EACH CANDIDATE VOTED FOR

NATIONAL

REPUBLICAN CANDIDATES FOR THE OFFICES OF NATIONAL COMMITTEEMAN, NATIONAL COMMITTEEWOMAN, AND DELEGATES TO THE NATIONAL CONVENTION.

FOR REPUBLICAN NATIONAL COMMITTEEMAN **Vote for one**

- | | |
|----|--|
| 15 | Charles L. Paine of Multnomah County. "Republicans—Demand honest administration. Pray for peace. Honor aged. Vote for change." |
| 12 | Jesse Gard of Multnomah County. "A man of action for the Republican years of opportunity." |
| 13 | Glenn R. Jack of Clackamas County. "Activate the Republican Party as a vigorous force in American Government." |
| 14 | Lowell C. Paget of Multnomah County. "Republican victory essential. Unite all republican groups in the cause." |

FOR REPUBLICAN NATIONAL COMMITTEEWOMAN **Vote for one**

- | | |
|----|---|
| 16 | Mrs. Marshall E. Cornett of Klamath County. "Qualified by experience for leadership." |
|----|---|

FOR DELEGATES TO THE REPUBLICAN NATIONAL CONVENTION FOR THE NOMINATION OF CANDIDATES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES—STATE AT LARGE **Vote for ten**

- | | |
|----|--|
| 57 | A. W. O'Connell of Multnomah County. "I will vote for the people's choice of candidates." |
| 58 | Gordon Orput of Multnomah County. "Multnomah County Chairman, Oregon for Eisenhower Committee." |
| 59 | Lowell C. Paget of Multnomah County. "Republican candidate for re-election to the Republican National Convention." |
| 60 | Charles L. Paine of Multnomah County. "Republicans—Demand honest administration. Pray for peace. Honor aged. Vote for change." |
| 17 | Howard C. Belton of Clackamas County. "Republican, integrity and economy in government. Will be guided by primary results." |
| 18 | Robert A. Bennett of Multnomah County. "Only fundamental Republican principles can save our liberty." |
| 19 | Harvey S. Benson of Multnomah County. "The people, not professional politicians, should control presidential nominations." |
| 20 | G. Cyrus Bishop of Multnomah County. "I will vote for the choice of the people of Oregon." |
| 21 | Zylpha Zell Burns of Multnomah County. "Will support the choice of the electorate of Oregon." |
| 22 | Robert Ormond Case of Multnomah County. "Above all—an honest administration." |
| 23 | Ralph P. Cowgill of Multnomah County. |
| 24 | U. G. Dubach of Multnomah County. "Genuine integrity and loyalty to fundamental Americanism are the real issues." |
| 25 | Robert A. Elliott of Jackson County. "Re-elect a Republican pledged to vote for the choice of all Republicans." |
| 26 | Albert M. Epperly of Linn County. "Will follow the mandate of Oregon's Republican voters for president and vice-president." |

- 27 **F. E. Epton** of Multnomah County. "General Douglas MacArthur will win for you in '52."
- 28 **Marian W. Epton** of Multnomah County. "General Douglas MacArthur, I shall stand with you for an America rededicated."
- 29 **Frank E. (Ned) Fowler** of Clatsop County. "A veteran for Eisenhower, but will support the choice of Oregon voters."
- 30 **Irene H. (Mrs. Geo. T.) Gerlinger** of Multnomah County. "Republican candidate by petition for election as delegate to Republican National Convention."
- 31 **Douglas R. Gerow** of Multnomah County. "MacArthur—The Leader Brilliant Dynamic."
- 32 **John H. Hall** of Multnomah County.
- 33 **Dan Harmon** of Yamhill County. "Committed to support the presidential candidate who wins the Oregon Republican Primary."
- 34 **Joseph E. Harvey** of Multnomah County. "Favor any candidate voters choose. Restore nation to God, integrity and sanity."
- 35 **Mark O. Hatfield** of Marion County. "Executive-Secretary, Oregon for Eisenhower Committee."
- 36 **Albert (Duke) Hodler** of Multnomah County. "Oregon's choice is my choice."
- 37 **Rufus C. Holman** of Multnomah County. "Nominate candidates who are honest, patriotic, capable and loyal to American people."
- 38 **Catherine Holtz** of Jackson County. "I pledge to support General Eisenhower as the Republican presidential candidate."
- 39 **J. O. Johnson** of Washington County. "We can win with Eisenhower and Warren."
- 40 **Graham Killam** of Multnomah County. "Will support the Republican voters' choice."
- 41 **A. W. Lafferty** of Multnomah County. "Republican congressman twice from Oregon. Against increasing national debt. Recover land grant."
- 42 **John R. Latourette, Jr.** of Multnomah County. "Elect sound and experienced Republican President; eliminate extravagance, secret diplomacy and corruption."
- 43 **Dellmore Lessard** of Multnomah County. "Vote for MacArthur or Taft—Bring back the American way of life."
- 44 **James F. Lonergan** of Multnomah County. "Politically experienced—World War II Veteran."
- 45 **Samuel H. Martin** of Multnomah County. "Throw out all 'Deals' and restore honest government for all."
- 46 **A. Granville Maudsley** of Multnomah County. "Will be guided by the choice of the Republican voters of Oregon."
- 47 **Wm. M. McAllister** of Jackson County. "For Republican Victory."
- 48 **Douglas McKay** of Marion County. "Give the Oregon delegation added influence by sending Oregon's Republican governor."
- 49 **John C. F. Merrifield** of Multnomah County. "Your Republican candidate for delegate to National Convention—we will win!"
- 50 **Phil Metschan** of Multnomah County. "Our liberties are in jeopardy. We must return to constitutional government."
- 51 **Lesley (Mrs. Chas. E.) Miller** of Clatsop County. "Eisenhower—proven administrator—soldier who hates war. Republican who can be elected."
- 52 **Merrill B. Moores** of Washington County. "Return to honest government administered by capable and experienced officials."
- 53 **Wayne L. Morse** of Lane County. "Send Oregon's fighting Senator to work for Oregon and Eisenhower."
- 54 **H. Clay Myers, Jr.** of Multnomah County. "Support Oregon's choice. Nominate a winner—there is no substitute for victory."

- 55 **Paul F. Mytinger** of Umatilla County. "A Korean vet favoring Earl Warren for President. Develop the West."
- 56 **Alf. O. Nelson** of Marion County. "Math. 7-20. By their fruits Ye shall know them."
- 66 **Sidney F. (Sid) Woodbury** of Multnomah County. "Integrity, economy, and efficiency at home; strength and respect abroad!"
- 61 **William F. Paterson** of Multnomah County. "Favor the Primary. Will vote for the choice of the people."
- 62 **Irving Rand** of Multnomah County. "A Republican for honest government and real Republican candidates. Former State Senator."
- 63 **Leslie M. Scott** of Multnomah County. "Republican leadership for honesty, freedom, independence, progress, prosperity, world security."
- 64 **Talmadge F. (Jack) Staley** of Multnomah County. "I rest on Eisenhower's 5 stars. Our prosperity assured with Republican Party."
- 65 **Lamar Tooze** of Multnomah County. "Will support Oregon's choice; Republican victory vital necessity; veteran both World Wars."

FOR DELEGATES TO THE REPUBLICAN NATIONAL CONVENTION FOR THE NOMINATION OF CANDIDATES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES—SECOND CONGRESSIONAL DISTRICT. Baker, Crook, Deschutes, Gilliam, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco and Wheeler Counties. Vote for two

- 73 **William B. Morse** of Crook County. "Oregon Republicans must join others to stop scandalous, wasteful tax spending."
- 67 **U. S. Balentine** of Klamath County. "My purpose to select a candidate who appears most likely to win."
- 68 **Geo. T. Cochran** of Union County. "Let us nominate and elect an honest man for President."
- 69 **Alfred F. Cunha** of Umatilla County. "If elected I will follow the mandate of the Republican electorate."
- 70 **H. D. DeArmond** of Deschutes County. "My first choice is General Dwight D. Eisenhower."
- 71 **Howard Dent, Jr.** of Wasco County. "Looking ahead with Eisenhower to sound resources development, free enterprise and peace."
- 72 **Robert D. Lytle** of Malheur County. "For many years a member and legal advisor of State Committees."

REPUBLICAN CANDIDATES FOR NOMINATION FOR THE OFFICES OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, ELECTORS OF PRESIDENT, AND VICE PRESIDENT, REPRESENTATIVES IN CONGRESS, AND FOR STATE AND DISTRICT OFFICES.

FOR CANDIDATE FOR NOMINATION FOR PRESIDENT OF THE UNITED STATES. Vote for one

- 78 **Harold E. Stassen** of Pennsylvania.
- 79 **Earl Warren** of California.

- 74 **Dwight D. Eisenhower** of Kansas.
 75 **Douglas MacArthur** of Wisconsin.
 76 **Wayne L. Morse** of Oregon.
 77 **William R. Schneider** of Missouri.

FOR CANDIDATE FOR NOMINATION FOR VICE PRESIDENT OF THE UNITED STATES.

Vote for one

FOR ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES. Vote for six

- 87 **William C. Robinson** of Multnomah County. "Pledged to follow the wishes of the voters of Oregon."
 88 **James A. Rodman** of Lane County.
 89 **Wendall W. Wyatt** of Clatsop County. "For honesty and efficiency in government."
 90 **Orval D. Yokom** of Grant County.
 80 **Niel R. Allen** of Josephine County. "Five year Chairman State Central Committee. Will help elect a Republican President."
 81 **J. O. Bailey** of Multnomah County.
 82 **Wilma B. Bishop** of Multnomah County.
 83 **Margaret (Mrs. R. E.) Bondurant** of Multnomah County. "I promise to vote for my party's nominees for President and Vice President."
 84 **Henry A. Buehner** of Multnomah County. "Will campaign for Republican victory in 1952."
 85 **J. O. Johnson** of Washington County.
 86 **Freedra F. Peterson** of Polk County. "Will vote for my party's nominees for President and Vice President."

STATE and DISTRICT

FOR REPRESENTATIVE IN CONGRESS, SECOND DISTRICT. Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco and Wheeler Counties.

Vote for one

- 91 **Sam Coon** of Baker County. "Vitaly interested in the development, resources and industry of Eastern Oregon."
 92 **Giles L. French** of Sherman County. "He works."
 93 **Ernest Frederick Hinkle** of Wasco County. "Honesty in Government, efficiency in Government and a balanced budget."

FOR SECRETARY OF STATE

Vote for one

- 94 **Earl T. Newbry** of Jackson County. "Be assured of continued economical and courteous administration by keeping the incumbent."

FOR STATE TREASURER

Vote for one

- 95 **Jack Lynch** of Multnomah County. "A successful business man with broad administrative experience. State Senator four sessions."
 96 **Fred E. Robinson** of Jackson County. "Efficient, successful accountant and businessman seeks nomination for cause of good government."
 97 **Sig Unander** of Multnomah County. "Republican candidate for State Treasurer. Constructive in ideas, experienced in financial matters."

CONDUCT OF PRIMARY ELECTIONS; NOMINATING PROCEDURES § 249.560**FOR ATTORNEY GENERAL****Vote for one**

- 101 **E. O. Stadter** of Deschutes County. "Will continue my policy of courtesy and efficiency in public office."
- 98 **Alex. G. Barry** of Multnomah County. "An experienced lawyer; a qualified legislator; a capable administrator; fair and impartial."
- 99 **Leonard I. Lindas** of Clackamas County. "Experienced District Attorney, respecting the law and the rights of the people."
- 100 **John B. McCourt** of Multnomah County. "Courteous efficient service."

FOR SENATOR, SEVENTEENTH SENATORIAL DISTRICT. Crook, Deschutes, Jefferson, Klamath and Lake Counties.**Vote for one**

- 102 **Philip S. Hitchcock** of Klamath County. "Incumbent."

FOR REPRESENTATIVE, TWENTY-SIXTH REPRESENTATIVE DISTRICT. Crook and Jefferson Counties.**Vote for one**

- 103 **Ralph J. Brown** of Crook County. "For the development of Crook and Jefferson Counties."

FOR DISTRICT ATTORNEY. Jefferson County.**Vote for one**

- 104 **E. D. Harris** of Jefferson County. "There is no substitute for experience. My public record is your guarantee."

COUNTY**FOR COUNTY JUDGE****Vote for one**

- 105 **Howard W. Kriz** of Kutcher Precinct. "Get Jefferson County out of the mud by properly engineered road construction."
- 106 **Albert C. Suratt** of East Madras Precinct. "Vigorous effort to fulfill duties of the office."

FOR COUNTY COMMISSIONER**Vote for one**

- 107 **Carl Darrar** of West Madras Precinct. "Continuation of improvements of our roads."
- 108 **Glenn W. Eidemiller** of Kutcher Precinct. "My program: Efficiency, Economy and Impartiality."

FOR SHERIFF**Vote for one**

- 109 **John Henry** of West Madras Precinct. "If elected, I will enforce the law fairly and impartially."
- 110 **S. E. Summerfield** of East Madras Precinct. "Veteran World War II. Experienced with the duties of the office."

FOR COUNTY TREASURER**Vote for one**

- 111 **Ada J. Brownhill** of West Madras Precinct. "Experienced, efficient and economical."

FOR CORONER**Vote for one**

- 112 **E. W. Mason** of East Madras Precinct.

PRECINCT**FOR REPUBLICAN PRECINCT COMMITTEEMAN****Vote for one**

- 113 **L. A. Bean**

FOR REPUBLICAN COMMITTEEWOMAN**Vote for one**

- 114 **Ellen R. Kriz**

CITY

(Arrangement and form to be according to that submitted to county clerk by proper city officer)

249.570 Rotation of names on the ballot. In any direct primary election when two or more persons are candidates for nomination for the same office or for election to the office of delegate to a national party convention, it shall be the duty of the county clerk to divide the ballot forms for the county into sets so as to provide a substantial rotation of the names and numbers of the candidates as follows: He shall divide the whole number of ballot forms for the county into sets equal in number to the greatest number of candidates for each nomination or election to any office, and he shall so arrange the sets that the names and numbers of the candidates, beginning with a form arranged in alphabetical order as provided in ORS 249.550, shall be rotated by removing one name with its number from the top of the list for each nomination or office and placing that name or number at the bottom of the list for each successive set of ballot forms. However, no more than one of the sets shall be used in printing the ballots for use in any one precinct and all ballots furnished for use in any precinct shall be of one form and identical in every respect.

249.580 Furnishing, printing or distributing ballots contrary to ORS 249.570 prohibited. No person employed or authorized to print official ballots, or employed in printing them, shall give, deliver or knowingly permit any of the ballots to be taken by any person other than the official under whose direction the ballots are being printed. No person shall knowingly print, cause or permit to be printed any ballot in any other form than the one prescribed in ORS 249.570, or with any other names thereon, or with the names spelled, or the names of the candidates arranged, in any other way than that authorized by ORS 249.570 and directed by such official. No official charged by law with the duty of distributing ballots, nor any persons acting for him, shall knowingly distribute or cause to be distributed any of said ballots in any other manner than as required by ORS 249.570.

249.590 Voting procedure. All official ballots shall be numbered consecutively on the face of both stubs by the first election clerk, commencing with the number 1 in each precinct for each series or separate ballot. Both stubs of the same ballot shall bear the

same number. Any person desiring to vote shall give his name, residence and political party to the first of the election clerks. This clerk shall not be of the same political party as the chairman. The first clerk shall thereupon announce the name, residence and party distinctly to the second and third clerks. They shall write opposite the elector's name in the poll books kept by them, in the column for the ballot number, the number of the ballot to be given to such party and the word "State" or "State and District" if he is qualified to vote for such officers only and, if proper, the word "State" or "State and District" with pen and ink upon the back of the voter's political party official ballot. The first clerk shall tear off one stub of the ballot and shall then deliver the ballot, with the remaining stub still attached, to the elector. The clerk shall give the elector one of the political party's official ballots, and one only. The clerk shall hand the detached stub to the judge of the election, who shall retain it until the second stub is given to him by the chairman, when the mated stubs shall be strung. The first elector shall be given ballot number 1 of his respective party and the second elector voting in the same party shall receive ballot number 2 of that party. In case a ballot is spoiled by the elector and a new ballot issued, as provided by the election laws, the number of that ballot shall also be put in the proper place on the poll books.

249.600 Electors may vote preference for candidates for President and Vice President; placing of names on ballot. (1) When candidates for the offices of President and Vice President of the United States are to be nominated, every qualified elector of a political party subject to the primary election law shall have the opportunity to vote his preference on his party nominating ballot for one person to be the candidate for nomination by his political party for the office of President and one person for Vice President of the United States, either by writing the names of such persons in blank spaces to be left on the ballot for that purpose or by marking with a cross before the printed names of the persons of his choice, as in the case of nominations of candidates for state and district offices.

(2) The name of any candidate for a party nomination for President or for Vice

President of the United States shall be printed on the ballots upon the written request of the candidate filed with the Secretary of State within the time provided for the filing of petitions of candidates for nomination for state and district offices, or upon the petition of 1,000 of his supporters who are registered voters in the state and of the political party to which the candidate belongs. If no petition is filed in behalf of the candidate but only a request signed by him, such request must be accompanied by a statement, signed by the chairman and secretary of the state central committee of the party to which the candidate for nomination for President or for Vice President belongs, to the effect the candidacy of the candidate is advocated generally throughout the United States. The names of the candidates for party nominations for President and for Vice President of the United States shall be printed on the official ballots for the primary elections of their respective political parties, and shall be marked, counted, canvassed, returned and proclaimed in the same manner and under the same conditions, so far as the same are applicable, as the names of candidates for nomination for state and district offices.

249.610 Remedies for any wrongful act committed or about to be committed in regard to primary elections. Whenever it appears by affidavit to the county court or judge or to the circuit court or judge that an error or omission has occurred or is about to occur in the printing of the name of any candidate or other matter on official primary election ballots or that any error has been or is about to be committed in the printing of the ballots or that the name of any person or any other matter has been or is about to be wrongfully placed upon the ballots or that any wrongful act has been performed or is about to be performed by any judge or clerk of the primary election, county clerk, canvassing board, member of the board or by any person charged with a duty under the primary election law, or that any neglect of duty by any of these persons has occurred or is about to occur, the court or judge shall by order require the officer or person charged with the error, wrongful act or neglect, to immediately correct the error, desist from the wrongful act, or perform the duty or immediately show cause why such error should not be corrected, wrongful act desisted from, or such duty or order performed. Failure to obey the order of any court or judge shall be

contempt. Any person in interest or aggrieved by the refusal or failure of any person to perform any duty or act required by the primary election law shall without derogation to any other right of remedy be entitled to pray for a mandamus in the circuit court of appropriate jurisdiction. Any proceeding under the provisions of this section shall be immediately heard and decided.

249.620 to 249.700 [Reserved for expansion]

NOMINATION OF CANDIDATES BY METHOD OTHER THAN PRIMARY ELECTION

249.710 Nomination by certificate of nomination may be made by political party, assembly of electors and individual electors; definitions of political party and assembly of electors. (1) Any political party which is not subject to the provisions of the primary election law, any assembly of electors as defined in this section and also individual electors to the number specified in ORS 249.740 may nominate one candidate for each public office to be filled at the election. The names of the candidates shall be placed on the ballots to be furnished as provided in ORS chapter 250. Nominations are to be made by preparing and filing a certificate of nomination as provided in ORS 249.710 to 249.850.

(2) A political party within the meaning of ORS 249.710 to 249.850 is an affiliation of electors representing a political party which at the last general election polled at least five percent of the entire vote cast in the state, county, precinct or other electoral district for which the nomination is made for Representative in Congress or which presents to the Secretary of State a petition with the signatures of a number of registered voters equal to at least five percent of the electors of that district. This shall be determined by the total vote cast in the district for all candidates for Representative in Congress at the last regular general election. The petition shall also state their intention to form a new political party and give the designation of it. The signatures on a petition to organize a new political party shall be certified as to their genuineness by the county clerk in the same manner as provided by ORS 254.040 for the certification of the signatures on initiative and referendum petitions.

(3) An assembly of electors, within the

meaning of ORS 249.710 to 249.850, is an organized body of not less than 250 electors of the state, or electoral division thereof, for which the nomination is made.

249.720 Information to be contained in every certificate of nomination. (1) All certificates of nomination shall state facts required by ORS 249.710 to 249.850 and also:

- (a) The name of the candidate.
- (b) The office for which he is nominated.
- (c) The party, if any, which he represents; and, if nominated by individual electors or assembly, the word "independent."
- (d) His place of residence, with street and number, if any.

(2) In the case of electors of President and Vice President of the United States, the names of the candidates for President and Vice President they represent may be added to the party or political appellation. The names of all the nominees for electors of President and Vice President may be upon the same certificate of nomination.

249.730 Contents and signing of certificate of nomination made at a convention; notice and proof of notice of the meeting of assembly. (1) Every certificate of nomination made by such political party or assembly may contain the name of one candidate for each office to be filled at the election. It shall state such facts concerning the party or assembly as are required by ORS 249.710 for its acceptance, and as are required to be stated therein by ORS 249.720. It shall be signed by the presiding officer and secretary of the nominating convention of the party or assembly by which it purports to be made. An affidavit shall be made on it by the presiding officer and secretary and subscribed and sworn to (or affirmed) by them before some person authorized to administer oaths. The certificate of the oath or affirmation shall accompany the certificate of nomination. The affidavit shall be to the effect that the statements in it are true and in the case of an assembly nomination, that not less than 250 bona fide electors of the state or electoral division for which the nomination is made were present at a public meeting at which the nomination was made and the nominee or nominees received the highest number of votes of the assembly for the office for which nominated.

(2) Not less than 10 days before the meeting of any assembly, notice shall be published at least once in not less than

three newspapers of general circulation in the state. The notice shall contain the time and place the assembly will meet, the office or offices for which nominations will be considered and the names of not less than 25 bona fide electors qualified to vote in the assembly who desire that it be held.

(3) Proof of publication of notice shall be made by affidavit of the owner, editor, publisher, manager, advertising manager, principal clerk of any of them, the printer or his foreman of the newspaper in which the notice is published. The affidavit shall show publication and shall be filed with the Secretary of State with the certificate of nomination for each office for which a candidate is nominated at the assembly.

249.740 Number of signers required on certificates of nomination made by individual electors; comparison of signatures. (1) Certificates of nomination made by individual electors shall contain signatures as follows:

(a) A candidate for any office to be filled by the electors of the state at large, or for members of Congress, shall be signed by not less than three percent of the electors of the state or congressional district.

(b) A candidate for an office to be filled by the electors of an electoral district or county shall be signed by not less than five percent of the electors of the district or county.

(c) A candidate for the office of county school superintendent shall be signed by not less than five percent of the electors of the county, or by not less than 100 electors of the county, whichever number is the lesser.

(d) A candidate for any office to be filled by the electors of a precinct or for the office of constable shall be signed by not less than 10 percent of the electors of the precinct or justice of the peace and constable district.

(e) A candidate for the office of justice of the peace shall be signed by not less than 10 percent of the electors of the justice of the peace district, or by not less than 100 electors of the district, whichever number is the lesser.

For the purpose of this section, the number of electors shall be determined by the vote last cast for Governor or presidential electors, as the case may be.

(2) Each elector signing a certificate of nomination shall add his place of residence, with the street and number, if any. Each elector shall be qualified to subscribe to only

one such certificate of nomination for each office to be filled at the election. Except in the case of electors of President and Vice President of the United States, every certificate of nomination made by individual electors shall contain the name of only one candidate.

(3) The signatures on each certificate of nomination made by individual electors shall be compared by the county clerk with the signatures on the registration cards, books and blanks on file in his office, in the same manner as provided in ORS 254.040 with reference to the comparison and certification of signatures on initiative and referendum petitions. The certificate of the county clerk of his having done so, as provided in ORS 254.040, in reference to initiative and referendum petitions, shall be annexed to the certificates of nomination. [Amended by 1955 c.169 §5]

249.750 Persons joining in nominations; candidacy for more than one office. Only electors shall be qualified to join in nominating candidates. No elector shall be qualified to join in a certificate of nomination made by individual electors in nominating more than one person for each office. No person shall be qualified to be a candidate for more than one office to be filled at the same election. However, where a vacancy occurs wherein the unexpired term ends prior to the next primary or general election, the same person may be eligible to nomination and election to both the unexpired and the succeeding terms. The name of the candidate may be placed on the ballot in both places.

249.760 Acceptance of nomination; several certificates nominating the same person. A certificate of nomination may be accompanied by the acceptance of the nominee. If it is, the acceptance shall be indorsed upon the certificate of nomination and signed by the nominee, or it may be by a letter or telegram from the nominee attached to the certificate and filed with it. If the certificate of nomination is not accompanied by the acceptance, the nominee may at any time after the certificate is filed and before the time for filing nominations for the office has expired, file his acceptance in the same manner and in the same office where the certificate is filed. The officer with whom it is filed shall indorse it and attach it to the certificate of nomination to which it

refers. Several different certificates of nomination may be filed nominating the same person for the same office and the person nominated may accept one or more of the nominations; but unless such nominee accepts a nomination in some one of the ways and within the time aforesaid, it shall not be considered as completed.

249.770 Filing certificates of nomination for state and other offices with Secretary of State. All certificates of nomination of candidates for an office to be voted for in the state at large, or for state Senator or Representative, judge of the circuit court, district attorney, or in any other district composed of one or more counties, shall be filed with the Secretary of State. If such certificate of nomination is made by a convention or assembly it shall be filed with the Secretary of State not more than 100 days and not less than 70 days before the day fixed by law for the election. The names of the members of the assembly and the place of residence of each, with the street and number, if any, shall be entered of record by the secretary of the assembly in the minutes of the meeting. A copy of the minutes, certified by the secretary of the assembly, shall be filed with the Secretary of State along with the certificates of nomination. If such certificate of nomination is made by individual electors, it shall be filed with the Secretary of State not more than 100 days and not less than 70 days before the day fixed for the election.

249.780 Filing certificates of nomination for county and district or precinct offices with county clerk. All certificates of nomination of candidates for county offices and district or precinct offices within the county shall be filed with the county clerk. These shall be filed not more than 100 days and not less than 70 days before the day fixed for the election.

249.790 Time for filing certificates of nomination for special elections. In the case of all special elections, certificates of nomination may be filed at any time between the date of the writ authorizing the election and 20 days before the time of holding the election, and in all other matters and proceedings therein the provisions of ORS 249.710 to 249.850 shall apply, so far as they are applicable.

249.800 [Reserved for expansion]

249.810 Entries made in register of nominations upon filing certificates. Immediately after each certificate of nomination is filed, the county clerk shall enter in a book marked "Register of Nominations":

(1) The date when the certificate was filed with him.

(2) The name of each candidate.

(3) The office for which the person is nominated.

(4) The name of the party or convention or assembly making the nomination, together with the names of the chairman and secretary certifying it.

(5) In case the certificate of nomination is made by individual electors, the names of the two signers who make oath thereto and the total number of signatures thereto.

As soon as an acceptance or withdrawal of a candidate is filed it shall also be entered upon the register.

249.820 Certificates, acceptances and withdrawals are public records; furnishing copies. All certificates of nominations, acceptances and withdrawals, as soon as filed, shall be public records. They shall be open to public inspection under proper regulations. When a copy of any certificate of nomination, acceptance or withdrawal is presented at the time the original is filed, or at any time thereafter, and a request is made to have the copy compared and certified, the officer with whom the certificate of nomination was filed shall compare the copy with the original on file and, if necessary, correct the copy and certify and deliver it to the person who presented it.

249.830 Procedure for withdrawing a nomination. Any person who has been nominated and accepted some nomination, as provided in ORS 249.710 to 249.850 or any other statutes governing the nomination of candidates for public office, may cause his name to be withdrawn from nomination not later than the sixty-ninth day before the election. This may be done by a writing declining the nomination and stating the reason, which shall be signed and acknowledged by him before some officer authorized by the laws of this state to take acknowledgments of deeds. It shall be certified by the acknowledging officer. It shall be filed with the Secretary of State or the county clerk, clerks or other officer with whom the certificate nominating him was filed. The with-

drawal may be sent by telegram to the Secretary of State through a county clerk, as provided by ORS 249.850 in case of certificates of nomination.

249.840 Procedure for filling vacancies in nominations caused by death or withdrawal. If the original nomination, thus vacated as provided in ORS 249.830, was made by a political party or assembly and it can reconvene, it may fill the vacancy before the day fixed for the election. If the party or assembly has delegated to a committee the power to fill vacancies, the committee may fill it. In every case where the original candidate dies or withdraws, as many certificates of nomination made by electors to fill the office shall be filed as are presented to the proper officer before the day fixed for election. The certificate to fill the vacancy shall conform substantially with the requirements for an original certificate of nomination and shall be filed with the same officer as was the original certificate.

249.850 Filing of certificate to fill vacancy in nomination; notifying proper officials to make changes in the ballots for the general election. (1) The certificate to fill the vacancy may be filed directly with the proper officer or it may be presented in duplicate to any county clerk who shall file one of the certificates in his office and, upon being tendered the cost of transmitting it, forthwith cause it to be telegraphed to the Secretary of State or the city officer and repeated back. The county clerk shall also forthwith mail the duplicate certificate by registered letter to the Secretary of State or city officer, as the case may be. The Secretary of State or city officer, shall file the telegraph copy of the certificate the same as if it were the original. He shall also file the duplicate when it arrives by mail.

(2) The Secretary of State or city officer shall, in certifying the nominations to the county clerks, omit the names of all candidates filed with him who die or withdraw. Instead he shall certify the names of the persons who have been selected to fill the vacancies. If he has already sent his certificate, he shall forthwith certify to each county clerk by telegraph if necessary, the name and residence of each person nominated to fill the vacancy, the office for which he is nominated, the party or principle he represents, and the name of the persons for whom the nominees are substituted.

Every county clerk shall proceed thereafter in conformity with the later certification.

249.860 to 249.980 [Reserved for expansion]

249.580 is punishable, upon conviction, by a fine of not less than \$250 nor more than \$1,000, or imprisonment in the county jail for not less than three months nor more than one year, or both.

PENALTIES

249.990 Penalties. Violation of ORS

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

