

## Chapter 250

### 1955 REPLACEMENT PART

## Conduct of General and Special Elections

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**BALLOTS, SUPPLIES AND GENERAL PROVISIONS**

**250.010 Time of holding general elections and officers elected.** (1) A general election shall be held in the several election precincts on the first Tuesday after the first Monday in November 1954 and biennially thereafter. At these elections there shall be chosen all state, district, county, city and precinct officers, including electors of President and Vice President of the United States, as are by law to be elected in such year.

(2) All general, special and presidential elections held in this state shall be conducted under the provisions of this chapter.

**250.020 Secretary of State's statement of offices to be filled.** The Secretary of State shall, not less than 60 days before any general election, nor less than 20 days before any special election, prepare and furnish to each county clerk a statement showing the state and district offices to be filled in his county at the election.

**250.030 Municipal officers' statements of offices to be filled; expense of local special election.** The appropriate officer of incorporated cities or towns having a population of more than 2,000, according to the last United States census, shall, not less than 60 days before any general election, nor less than 20 days before any special election, prepare and furnish to each county clerk a statement showing the city offices to be filled in his city at the election. If an incorporated city holds a special election it shall bear the expense.

**250.040 Duty of county clerks, judges and clerks of election to give notice of election.** The county clerk shall, 30 days before any general election and at least 10 days before any special election, prepare printed notices of the election and mail two to each judge and clerk of election in each precinct. The judges and clerks shall immediately post the notices in public places in the precincts. The notices shall be in the following form:

**Election Notice**

Notice hereby is given that on \_\_\_\_\_, 19\_\_\_\_, at the \_\_\_\_\_, in the precinct of \_\_\_\_\_, in the County of \_\_\_\_\_, Oregon, (insert character) election will be held for state, district, county, city, precinct and other officers, namely, (here name the offices to be filled), which 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.

**250.050 Duties of Secretary of State in arranging names and other information for ballots.** Not more than 70 days nor less than 65 days before the date fixed for the election, the Secretary of State shall arrange, in the manner provided in this chapter, for the arrangement of the names and other information upon the ballots and all the names and other information concerning all the candidates contained in the certificates of nomination which have been filed with him and accepted by the nominees. He shall forthwith certify the same under the seal of the state and file it in his office and make and transmit a duplicate thereof, 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 election.

**250.060 Duties of city officers in arranging names and other information for ballots.** Not more than 70 days nor less than 65 days before the day fixed for the election, the appropriate officer of each incorporated city of the state having a population of 2,000 or more, 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 and all the names and other information concerning all the candidates contained in the certificates of nomination which have been filed with him and accepted by the nominees. He shall forthwith certify the same and file it in his office and make and transmit a duplicate thereof, by registered letter, to the county clerk of the county in which the city is located. If the city is located in more than one county, he shall send a duplicate to the county clerk of each county wherein any part thereof is located. If any officers of the city located in more than one county are elected by wards or other subdivisions of the city then to each such county clerk shall be transmitted only the names of the candidates for city officers and other ballot information applicable to that part of the city located in the county to which such names and information are directed. He shall also post a duplicate of each in a conspicuous place in his office and keep them posted until after the election.

**250.070 County clerk places names on ballots and has sample and white ballots printed.** Not more than 66 days nor less than 60 days before the day fixed for the election, the county clerk of each county shall arrange, in the manner provided by this chapter, for the arrangement of the names and other information upon the ballot and all the names and other information concerning all the candidates contained in the certificates of nomination which have been filed with him and accepted by the nominees and which have been certified to him by the Secretary of State or city officer. He shall forthwith certify the same under the seal of the county court and file it in his office and make and post a duplicate thereof in a conspicuous place in his office and keep it posted until after the election. He shall forthwith cause to be printed, according to law, the sample ballots and the white ballots required by this chapter.

**250.080 Printing and furnishing of ballots by county clerk.** The county clerk of each county shall cause to be printed all the ballots required under the provisions of this chapter. He shall furnish them in the manner provided in this chapter for the use of all electors in the county. Ballots other than those furnished by the county clerks, according to the provisions of this chapter, shall not be used, circulated, cast or counted in any election provided for in this chapter.

**250.090 Ballot specifications and sample ballots.** All ballots designed to be voted shall be printed in black ink upon a good quality of white paper. Subject to ORS 250.140, they shall be alike and of the same size in the same county at the same election. Duplicate impressions of the ballots shall be printed upon cheaper, colored paper, so as to be readily distinguished from the white ballots. These colored ballots shall be used solely as sample ballots for the information and convenience of voters. They shall not be voted and if voted shall not be counted.

**250.100 Secretary of State to furnish articles needed for use at polls.** Not less than six months before every biennial election the Secretary of State shall compile the election laws of the state, index them and cause a sufficient number to be printed in appropriate pamphlet form for the convenience of the electors. He shall at the same time and in the same manner cause to be printed a sufficient number of copies of the provisions of the laws pertaining to

elections and relating to the duties of election boards as are necessary for the use of the boards at the election. He shall also acquire suitable poll books, as provided in ORS 250.310, tally sheets as provided in ORS 250.490, register of nomination books, as provided in ORS 249.810, receipts, as provided in ORS 250.220, needles for stringing ballots and stubs, as provided in ORS 250.460 and 250.660, and indelible copying pencils for marking ballots, as provided in ORS 250.650. He shall forthwith distribute the same to the county clerks in appropriate quantities. The bills for furnishing all items required by this section shall be audited by the Secretary of State and paid out of any moneys in the treasury not otherwise appropriated.

**250.110 Style, form and marking of ballot.** (1) The ballot shall be styled "Official Ballot." It shall state the number or name of the precinct and county for which it is intended and the date of the election. It shall contain the names of all the candidates for offices to be filled at the election whose nominations have been made and accepted as provided in ORS 249.710 to 249.850, and who have not died or withdrawn. The ballot shall contain no other names of persons, except as provided in ORS 250.130.

(2) The names of the candidates for President and Vice President of the United States and of their political party candidates for electors to choose the President and Vice President shall be printed in groups together, under their political party designations, each group being printed within horizontal lines on the ballot, inclosing the names separately of each of the groups. The vote for presidential electors shall be cast and counted for each group as a whole. To vote for President and Vice President and for presidential electors, to support such candidates, the voter should mark one X between the number and the group containing the names of his choice for President, for Vice President and for presidential electors to choose them in the electoral college. Each ballot so marked and voted shall be counted as one vote for the group of presidential electors supporting the candidates for President and Vice President designated by the voter as his choice.

(3) The name of each person nominated shall be printed upon the ballot in but one place, without regard to how many times

he may have been nominated. There shall be added opposite his name the party or political designation. This shall be expressed in not more than three words for any one party, as specified in each of the certificates of nomination.

(4) The names of candidates for each office shall be arranged under the designation of the office, in alphabetical order, according to surnames. The names of candidates for the offices of President, Vice President and electors of President and Vice President shall, however, be arranged in groups. Blank spaces shall be left at the end of the list of candidates for each office. The elector may write in these the name of any person not printed on the ballot for whom he desires to vote as a candidate for that office. On the left margin of the ballots the name of the uppermost group or candidate as printed shall be number 101, the next group or candidate 102, the next group or candidate 103, and so on consecutively to the end of the ballot. The blank lines shall not be numbered. When the approval of a constitutional amendment or other question is submitted to the vote of the people it shall be printed in the form prescribed by law upon the ballot after the list of candidates. The directions in this subsection concerning the printing of the ballots are subject to ORS 250.140.

(5) Each ballot shall have at the top a stub one and one-half inches wide, perforated along the lower edge. On the left half of the stub shall be printed, "Stub to be torn off by the chairman." On the right half shall be printed, "Stub to be torn off by the first clerk." Immediately below the perforated lines shall be printed, in capitals, these words: "OFFICIAL BALLOT FOR ..... PRECINCT, ..... COUNTY, NOVEMBER ....., 19...." Under this caption shall be printed, in bold face type,

the words, "Mark X between the number and name of each group or candidate voted for; and to vote on a constitutional amendment, measure or question, mark X in the voting square after the word 'Yes' or after the word 'No'." Below this shall be printed in the manner prescribed by law:

(a) The groups of candidates for President, Vice President and for presidential electors, if any.

(b) The candidates for United States Senator, if any.

(c) The candidates for Representative in Congress.

(d) The candidates for state offices.

(e) The candidates for district offices, in districts of one or more counties.

(f) The candidates for county offices.

(g) The candidates for precinct offices.

(h) The candidates for other offices, or constitutional amendments or questions submitted to a vote of the people.

(i) The candidates for city offices.

(j) City charter amendments or questions to be submitted to a vote of the people in the respective counties, districts or cities.

(6) The ballots shall be printed so as to give each elector a clear opportunity to designate his choice of candidate and his answer to the questions submitted by making a mark to the left of each group or name of the candidate he wishes to vote for for each office, and by marking X in the square for the answer he wishes to vote for for each question submitted. On the ballot shall be printed such words as will aid the elector to do this, as "Vote for one," "Vote for three," and with respect to questions, "Yes," "No." [Amended by 1953 c.632 §6]

**250.120 Illustration of ballot form.** The white ballot shall be arranged and printed in substantially the following form:

STUB  
 To Be Torn Off By The Chairman | To Be Torn Off By The First Clerk  
 STUB

## OFFICIAL BALLOT

FOR 8. ASHLAND PRECINCT, JACKSON  
 COUNTY, NOVEMBER ....., 19....

MARK X BETWEEN THE NUMBER AND NAME OF EACH GROUP OR CANDIDATE VOTED FOR;  
 AND TO VOTE ON A CONSTITUTIONAL AMENDMENT, MEASURE OR QUESTION, MARK X IN  
 THE VOTING SQUARE AFTER THE WORD "YES" OR AFTER THE WORD "NO."

## STATE

FOR UNITED STATES SENATOR IN CONGRESS.

Vote for one

101	Howard Latourette, of Multnomah County.	Democrat
102	Wayne Morse, of Lane County.	Republican
103	Harlin Talbert, of Linn County.	Progressive

FOR REPRESENTATIVE IN CONGRESS, FOURTH DISTRICT. Coos, Curry, Douglas, Jackson,  
 Josephine, Lane, and Linn Counties.

Vote for one

104	Harris Ellsworth, of Douglas County.	Republican
105	David C. Shaw, of Curry County.	Democrat

FOR GOVERNOR

Vote for one

106	Austin F. Flegel, of Multnomah County.	Democrat
107	Douglas McKay, of Marion County.	Republican

FOR COMMISSIONER OF THE BUREAU OF LABOR.

Vote for one

108	William E. Kimsey, of Marion County.	Republican
109	Howard Morgan, of Polk County.	Democrat

FOR SENATOR, SIXTH SENATORIAL DISTRICT, Jackson County.

Vote for one

110	Ben Day, of Jackson County.	Republican
111	L. Peers Wilmeth, of Jackson County.	Democrat

FOR REPRESENTATIVE, NINETEENTH REPRESENTATIVE DISTRICT, Jackson County.

Vote for two

112	E. H. Mann, of Jackson County.	Republican
113	Robert W. Root, of Jackson County.	Republican
114	Robert Rucker, of Jackson County.	Democrat
115	A. O. Tollefson, of Jackson County.	Democrat

## COUNTY

FOR COUNTY COMMISSIONER

Vote for one

116	R. R. Lytle.	Republican
117	Albert L. Straus.	Democrat

FOR SHERIFF

Vote for one

118	Howard Gault.	Republican
119	W. L. (Bill) Taylor.	Democrat

FOR COUNTY SURVEYOR.

Vote for one

120	Paul B. Rynning.	Republican; Democrat
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## PRECINCT

FOR JUSTICE OF THE PEACE, ASHLAND JUSTICE DISTRICT.

Vote for one

121 Nelle W. Burns.

Republican; Democrat

CONSTITUTIONAL AMENDMENTS AND OTHER QUESTIONS SUBMITTED TO  
VOTERS OF THE STATE AT LARGEVOTE YES OR NO. MARK X IN THE SQUARE FOR THE ANSWER  
VOTED FOR

Referred to the People by the Legislative Assembly

## AMENDMENT MAKING SUPERINTENDENT OF PUBLIC

- INSTRUCTION APPOINTIVE.** Purpose: Repeals section 1, Article VIII of Oregon Constitution, which now provides for election of Superintendent of Public Instruction, and enacts in lieu thereof section 1 which provides that the State Board of Education shall select and employ a Superintendent of Public Instruction as its chief administrative officer, who shall be removable at its discretion; requiring the board to prescribe his powers and duties, except as they may otherwise be prescribed by law. Authorizes board to fix his compensation.

YES ☐NO ☐

## WORLD WAR VETERANS' STATE AID SINKING FUND REPEAL

- AMENDMENT.** Purpose: Repeals Article XI-C of the Constitution of the State of Oregon, and provides that all assets of the World War Veterans' State Aid Sinking Fund be thereby transferred to the Common School Fund at such value and under such conditions as shall have been or may hereafter be prescribed by statute.

YES ☐NO ☐

Proposed by Initiative Petition

- CONSTITUTIONAL AMENDMENT PROHIBITING LOTTERIES, BOOK-MAKING, PARI-MUTUEL BETTING ON ANIMAL RACING.** Purpose: To amend section 4, Article XV of the Constitution, providing that no lotteries shall be authorized by the legislature, and no ticket in any lottery, pari-mutuel betting on result of horse, dog or other animal or vehicle racing shall be bought, offered for sale, or sold within the state. No bookmaking shall be authorized or any gambling device legalized, "or the remedy, penalty or punishment diminished."

YES ☐NO ☐

## CITY OFFICERS

(Arrangement, form, and names of candidates to be submitted by appropriate city official for respective cities of county coming under the provisions of ORS 250.230.)

CITY CHARTER AMENDMENTS, ORDINANCES, OR OTHER QUESTIONS TO  
BE SUBMITTED TO VOTERS OF SUCH CITIES

[Amended by 1953 c.632 §6]

**250.130 Printing names of persons nominated at a primary election on the official ballots.** The names of candidates for public office nominated at a primary election conducted under the provisions of ORS chapter 249 shall be printed on the official ballots for the ensuing election as the only candidates of the respective parties for such public office in like manner as the names of the candidates nominated by other methods are required to be printed on the official ballots. The provisions of ORS 250.050, 250.060 and 250.070 apply to nominations for public office made under the primary election law, so far as the same

are not in conflict with the provisions of the primary election law.

**250.140 Rotation of names on ballot.** Whenever more than one candidate has been regularly nominated for any public office to be filled at a regular general election the names of the candidates for the office shall be rotated upon the ballots for that election. This shall be done in substantially the same manner provided by ORS 249.570 for the rotation of names on primary election ballots. However, the names of candidates for presidential electors shall always be printed in groups as directed by ORS 250.110, and only the groups shall be rotated but not the names within the groups.

**250.145 Names of candidates for same office to be printed in same column on ballots for primary, general and special elections; different ballot number for each candidate.** (1) Election ballots for all primary, general and special elections shall be arranged so that the names of all the candidates for the same office are listed in the same column on the ballot and the list of names of candidates for the same office shall not be divided between columns on such ballots. If blank spaces are required by law to be left following the list of candidates for a particular office, all such blank spaces shall be in the same column as the names of the candidates for the particular office.

(2) A particular ballot number shall not be used to designate more than one candidate at any election, whether the voters are furnished a single consolidated ballot, or two or more ballots printed on separate sheets. [1953 c.58 §1; 1955 c.52 §1]

**250.150 Furnishing of official and sample ballots.** There shall be provided and furnished for each precinct, at any general or special election, as many official white ballots, and at least one-half that number of sample ballots, as there are voters registered in the precinct when the registration books are closed preceding any such general or special election. The sample ballots shall be duplicate impressions of the white ballots, but without perforated stubs. The sample ballots shall be furnished by the county clerks as soon as printed, at any time before the election. They shall be furnished in reasonable quantities to all electors applying for them. On the date of election, under the direction and control of the judges at each polling place, sample ballots shall be given in reasonable and proper quantities to all electors applying for them.

**250.160 Notice of death or withdrawal of nominee; name not to be printed on ballot.** If any person nominated as provided by ORS 249.710 to 249.850 dies or withdraws before the day fixed for the election, and the fact of the death becomes known to the satisfaction of the officer, the Secretary of State, county clerk or clerks or other officer in whose office the certificate of nomination nominating such person was filed, shall immediately give notice by posting a certificate of the fact in a conspicuous place in his office. In every such case the name of the candidate who has died or withdrawn shall not be printed upon the ballots and if already

printed shall be erased or canceled before the ballots are delivered to the electors.

**250.170 Filling vacancy in nominations; altering ballots in case of death, withdrawal or removal of nominee after ballots are printed.** In case of the death, withdrawal or removal from the electoral district of any candidate after the printing of the ballots and before the election, it shall be lawful for the executive committee of the state, congressional or county central committee of the candidate's political party, as that term is defined in ORS 249.710, to make a nomination to fill such vacancy and to provide the election board of each precinct in which such candidate is to be voted for with a number of pasters, containing only the name of such candidate, at least equal to the number of ballots provided each precinct. No pasters shall be given to or received by anyone except such election board and the chairman. The clerks of the election board at each of these precincts shall put one of the pasters, in a careful and proper manner and in the proper place, on each ballot before the ballot is delivered to the elector.

**250.180 Cancellation of name on ballot when vacancy occurs.** The county clerk of each county shall cause the name of each nominee who has withdrawn or died as mentioned in ORS 250.170, if ballots have been printed, to be certified to the judges of the several election precincts. The judges of the election precincts shall then, in accordance with the certification, see that the name of each candidate who has withdrawn or died is canceled upon the white ballots before they are given out to the electors. They shall also see that cards of instructions or lists of candidates nominated to fill the vacancy are posted in each compartment or place provided for preparing the ballots. This shall be done before the ballots are given to the electors.

**250.190 Ballot boxes or pouches furnished by county clerk.** The county clerk of each county shall provide for each election precinct within the county one large ballot box or pouch. For each precinct within the county coming within the provisions of ORS 246.030 he shall provide one additional large ballot box or pouch. The ballot boxes shall be provided with a lid fastened with hinges and a good lock and key. The lid shall form the top of the box and contain an opening or slot five inches long and one-

quarter of an inch wide for the reception of ballots. Each of the boxes shall be of strong leather, canvas, metal or wood. In the top of each ballot pouch there shall be a slot five inches long and one-quarter of an inch wide for the reception of ballots.

**250.200 County clerk delivers election supplies to sheriff.** (1) In sufficient time and not less than five days before the opening of the polls at any election provided for in this chapter, the county clerk of each county in which the election is to be held shall deliver to the sheriff of the county for use at each polling place in the county:

(a) The proper number of ballots required for the polling place, prepared and printed as provided in this chapter.

(b) The ballot boxes required by this chapter.

(c) Two poll books, required by this chapter.

(d) One copy of the election laws, required by this chapter.

(e) A sufficient number of tally sheets, required by this chapter.

(f) A sufficient quantity of pens, ink, blotting pads, indelible copying pencils, needles and string for stringing ballots and stubs, sealing wax, and the like, necessary and convenient for carrying out the provisions of this chapter.

(2) The white ballots shall be in a package by themselves, and the package shall be marked on the outside "White Ballots," with the number contained in the package and it shall be addressed to the judges of the polling place for which it is intended. The package shall be certified by the clerk and sealed under the seal of the county court. The colored or sample ballots shall be in a separate package by themselves. The package shall be marked on the outside "Colored or Sample Ballots," with the number contained in the package, certified, addressed and sealed. The poll books, tally sheets, and copy of election laws shall be done up in another package addressed and sealed. The other articles shall likewise be addressed. The county clerk shall keep a record of the addresses, the contents of the packages and the number of them.

**250.210 United States flags furnished by county clerk.** The county clerk of each county may provide for each polling place within the county one flag of the United States of America suitable for display out-

doors. The flags shall be delivered with the election supplies furnished pursuant to ORS 250.200. The judges of election shall cause such flags to be displayed at the street entrance in front of all polling places, throughout voting hours during all primary and general elections, in a manner consistent with the statutes of this state and of the United States.

**250.220 Delivery and receipt of packages of election supplies.** (1) The county clerk shall prepare a receipt in duplicate for each polling place. It shall enumerate the packages and state the time, day and date when they were delivered by him to the sheriff. The sheriff shall sign both receipts, upon receipt of the packages. One receipt shall be retained by the clerk and the other shall be delivered to the sheriff. Upon receipt of the packages, the judge or judges of election to whom they are delivered shall countersign the receipt and it shall immediately be returned by the sheriff and filed with the clerk.

(2) At the time the sheriff delivers the ballot boxes and other election supplies to the judges and clerks of election he shall make, in duplicate, a notice in writing specifying the place where the ballot boxes and election returns shall be delivered to him by the judges and clerks. One of the notices shall be delivered by him to the judges and clerks and one shall be retained by him. He shall secure the signature of one of the judges or clerks of the precinct upon the duplicate of the notice retained by him, acknowledging the receipt of the other duplicate by the election board.

**250.230 Incorporated cities with population over 2,000 to hold elections at same time and place as state and county elections.** It is declared to be the intention of the legislature to carry out the provisions of section 14-a, Article II, Oregon Constitution. All elections for city officers in all incorporated cities having a population of over 2,000 inhabitants, according to the last United States census, shall be held at the same time and place as elections for state and county officers. The judges and clerks for state and county elections shall be the judges and clerks for the city elections. As far as practicable, the ballots used for state and county elections, as provided by law, shall be arranged to include the names of city officers and measures to be voted upon at city elec-

tions. This section shall not be construed as interfering with or limiting the right of other incorporated cities to hold elections as provided in section 14-a, Article II, Oregon Constitution.

250.240 to 250.280 [Reserved for expansion]

**250.290 Congressional districts and counties therein.** The State of Oregon hereby is portioned into four congressional districts composed, respectively, of the following counties:

(1) First district: Benton, Clackamas, Clatsop, Columbia, Lincoln, Marion, Polk, Tillamook, Washington and Yamhill.

(2) Second district: Baker, Crook, Deschutes, Gilliam, Grant, Hood River, Harney, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wheeler and Wasco.

(3) Third district: Multnomah.

(4) Fourth district: Coos, Curry, Douglas, Jackson, Josephine, Lane and Linn.

**250.300 Election of United States Congressmen.** One Representative to the Congress of the United States shall be elected in each congressional district at the regular general biennial election in 1954 and every two years thereafter. The election shall be held and the returns made and canvassed in the manner provided by the general election law.

## GENERAL AND SPECIAL ELECTION PROCEDURE

**250.310 Form of voters lists or poll books; oaths of judges and clerks.** (1) The county clerk shall transmit to the election boards as other election supplies are transmitted, typewritten lists, in duplicate, of all the voters in that precinct. They shall be arranged in alphabetical order and a copy of the lists shall be forwarded to the Secretary of State for use in verifying the mailing list that is maintained by him for voters' pamphlets. These voters lists shall constitute the poll books and shall be in substantially the following form, and shall include the complete residence address of each elector which shall be stated on the voters lists following his or her name:

List of all registered voters in..... precinct, in ..... County, Oregon, for the election to be held in said precinct on ....., 19....

Surname	Given Name	Voter's Signature	Address	Voted	Party	Ballot Number
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Remarks:

Name of elector.

Name of elector, etc.

State of Oregon,

County of ....., } ss.

I, ....., county clerk of the above named county and state, do hereby certify that the foregoing list containing ..... names is a full and complete list of all voters registered in the above named precinct for the election to be held on the date above named.

....., County Clerk.

We hereby certify that the number of electors who voted at the above polling place and election was as follows:

Voted for state, district and county and precinct officers, (No.)

Voted for district and state officers, (No.)

Voted for state officers, (No.)

Voted for city officers, (No.)

Total number of ballots cast, (No.)

....., Chairman.

....., Judge.

....., Clerk.

....., Clerk.

Who kept this poll book.

....., Clerk.

Who kept other poll book.

(2) Before entering upon the discharge of duties, the judges and clerks of election shall take and subscribe an oath in each of the poll books. It shall be administered by any officer authorized to administer oaths or by the chairman, if present. If these officers are not present then any one of the judges may administer the oaths. Blank oaths of office, in substantially the following form, shall be attached to the poll books:

State of Oregon,

County of ....., } ss.

Precinct ....., }

We, the undersigned, being first sworn, severally say upon oath: I will perform, respectively, the duties of judge and clerk of election according to law and I will studiously endeavor to prevent fraud, deceit and abuse in conducting the election.

....., Chairman.

....., Judge.

....., Clerk.

....., Clerk.

....., Clerk.

Subscribed and sworn to before me this  
 ..... day of ....., 19.....

.....  
 .....

For use when no notary or justice is present:

I, the undersigned judge of the election, who swore in the other judges and clerks of the election, being first sworn, say upon oath, that I will perform the duties of judge of election according to law and that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the election.

....., Judge.

Subscribed and sworn to before me this  
 ..... day of ....., 19.....

....., Judge of Election.

Oath of office of judges and clerks of the second election board:

State of Oregon, }  
 County of ....., } ss.  
 Precinct ....., }

We, the undersigned, being first sworn, severally say upon oath: I will perform, respectively, the duties of judge and clerk of election according to law, and I will studiously endeavor to prevent fraud, deceit and abuse in conducting the election.

....., Chairman.

....., Judge.

....., Clerk.

....., Clerk.

....., Clerk.

Subscribed and sworn to before me this  
 ..... day of ....., 19.....

.....

No further or other forms of oaths of office shall be printed or furnished to the election board. The second election board shall be sworn in by one of the judges of the first board, or by a notary public, before the poll books are sealed up for return to the county clerk.

(3) Immediately after the close of the polls the names of the electors who voted shall be counted and the number written and certified in each of the poll books at the end of the list. It shall be immediately signed by the chairman and each of the judges and clerks in the manner indicated in this section.

(4) The voters list and the list of voters registered by the election board shall be ruled in a proper manner so that in the column for ballot number sufficient space shall appear for inserting the number of

several ballots. At any election where more than one ballot is used, a separate column shall be provided for each separate form of ballot used and the form of the ballot shall be described in the heading of the column in substantially the following manner: "Republican Party Ballot Number," "Democratic Party Ballot Number," "City Ballot Number," "Local Option Ballot Number," etc., according to the nature of the ballot used. [Amended by 1955 c.726 §1]

**250.320 Selecting substitute for absent judge; compensation.** If a judge of election is not present at the time prescribed by law, the other judges and clerks who are present shall, viva voce, elect a qualified person to act as judge until the tardy appointee arrives, and in case he does not arrive within one-half hour, to serve in his stead. The person chosen, in addition to other qualifications, shall be of the same political affiliation as the absent official. The new appointee shall take and subscribe the official oath before acting. The compensation allowed the substitute shall be deducted from the pay of the tardy official.

**250.330 Selecting substitute for absent clerk; compensation.** If an election clerk is not present at the time prescribed by law, the judges and other clerks shall, viva voce, elect a qualified person to act as clerk until the tardy appointee arrives, and in case he does not arrive within one-half hour, to serve in his stead. The person chosen, in addition to other qualifications, shall be of the same political affiliation as the absent official. The new official shall take and subscribe the official oath before acting. The compensation allowed the substitute shall be deducted from the pay of the tardy official.

**250.340 Opening, closing and adjournment of polls; presence of officials.** (1) The polls shall be opened at 8 a.m. and continue open until 8 p.m. of the same day. The judges and clerks appointed pursuant to ORS 246.020 shall meet at 8 a.m. at their polling places at the times prescribed for holding a general or special election. They shall act as judges and clerks of election until relieved by the second board.

(2) Prior to opening the polls the chairman of judges of election shall make public proclamation of it. Thirty minutes before closing the polls public proclamation shall be made by the same officer that the polls will be closed in half an hour. The judges, in

their discretion, may adjourn the polls at 1:00 p.m. for one hour, proclamation of this being made but the judges and clerks shall keep together. At no time shall more than one of them be out of the presence of the others.

(3) The ballot boxes, poll books, ballot stubs and tally sheets shall be constantly kept together in the presence and view of at least four of the officers and the candidates and persons appointed, as provided in ORS 250.430, from the opening of the polls until the count is completed and the returns signed and sealed. After the count has begun it shall continue until fully completed, without any adjournment and in the presence of all judges, clerks and persons authorized to be present.

**250.350 Challenging an elector's right to vote.** As soon as an elector applying to vote has given his name and residence to the election clerks, the judges of election shall ask the elector if he is registered. They shall also examine the voters list. Even though the elector is registered, his right to vote may be challenged and tried at any time before his ballot is actually deposited in the ballot box. If he appears to be registered and is challenged, he shall subscribe to the form of oath prescribed in ORS 247.020. The judges may take testimony they deem necessary to establish the elector's right to vote. They shall permit proper questions by any elector present which tend to show the qualification or disqualification of the person to vote.

**250.360 Duty to challenge a person's right to vote.** Each judge or clerk of election, or any elector present, shall challenge any person offering to vote whom he knows or suspects not to be qualified as an elector.

**250.370 Oath and questions concerning challenged voter's right to vote.** If a person offering to vote is challenged as provided in ORS 250.360, the chairman of the judges shall administer to him the following oath or affirmation: "You do solemnly swear [or affirm] that you will fully and truly answer all questions put to you touching your place of residence and qualifications as an elector at this election." The chairman shall then propound such questions to the person challenged as may be necessary to test his qualifications as an elector at that election. The judges may hear this testimony and consider

other evidence that is proper upon the question. If all the judges cannot agree, the three clerks shall be called in and a majority of the whole board shall decide the matter.

**250.380 Vote rejected upon refusal to answer questions.** If the person challenged pursuant to ORS 250.360 refuses to answer fully any question touching his qualifications as an elector which are put to him, the judges shall reject his vote.

**250.390 Oath respecting elector's qualifications as voter.** If the challenge is not withdrawn after the person offering to vote has answered the questions put to him as provided in ORS 250.370, the chairman of the judges shall administer to him the following oath: "You do solemnly swear [or affirm] that you are a citizen of the United States; that you are of the age of 21 years; that you have been a resident of this state for six months next preceding this election; that you now reside in this precinct; that you have not yet voted at this election, and that your true name is as you represent it to be." If the elector only claims the right to vote for state, or district and state, officers, the oath shall be modified accordingly.

**250.400 Entry in poll books and indorsement of ballot when an elector is challenged.** (1) Whenever any person's right to vote has been challenged and he has taken the oath prescribed by ORS 250.390, if it is at a nominating election, then with the addition of the words "and that I am in good faith a member of the political party with which I am registered," the clerks of election shall write in the poll books at the end of the person's name the words "Challenged and sworn," with the name of the challenger. The chairman of the board of judges shall then write on the back of the ballot offered by the challenged voter the number of his ballot. This is so it may be identified in any future contest of the results of the election and cast out if it appears to the court to have been for any reason wrongfully or illegally voted for any candidate or on any question.

(2) The marking of the name of a challenged voter or the testimony of any judge or clerk of election in reference to it or in reference to the manner in which the challenged person voted, if the testimony is given in the course of any contest, investigation or trial questioning the legality of the vote for any reason, shall not be deemed a violation of ORS 260.650.

**250.410 Rules to determine qualifications of an elector to vote.** The judges of election, in determining the residence and qualifications of persons offering to vote, shall be governed by the following rules, so far as they may be applicable:

(1) His residence shall be the place in which his habitation is fixed and to which, whenever he is absent, he has the intention of returning.

(2) A person shall not be considered to have lost his residence who has left his home and gone into another state or territory or county of this state for a temporary purpose only.

(3) A person shall not be considered to have gained a residence in any county or city of this state into which he comes for temporary purposes only, without the intention of making it his home but with the intention of leaving it when he has accomplished the business that brought him there.

(4) If a person moves to another state, or to any of the territories, with the intention of making it his permanent home, he shall be considered to have lost his residence in this state.

(5) The place where a married man's family resides shall be considered to be his residence.

(6) The place where an unmarried man sleeps shall be considered to be his residence.

(7) If a person goes from this state into any other state or territory and there exercises the right of suffrage, he shall be considered to have lost his residence in this state.

(8) All qualified electors shall vote in the election precinct in the county where they reside for county, or city officers, and in any county in the state for state officers, or in any county of a congressional district in which the electors reside for members of Congress.

**250.420 Emptying and locking ballot boxes before election; custody of keys.** The judges of election, or the chairman, shall, immediately before proclamation of the opening of the polls, open the ballot boxes in the presence of the people there, turn them upside down so as to empty them and then lock them securely. They shall not be reopened except to count the ballots at the close of the election. During the election one of the judges, other than the chairman, shall have custody of the keys.

**250.430 Regulation of persons at or near polls; challengers and watchers permitted.** In all incorporated cities no person shall approach or stand within 50 feet of the polls when open for the purpose of receiving votes, except peace officers selected or appointed by the judges to preserve order and electors actually desiring and proceeding to vote. Only 10 electors shall be permitted to approach the polls within 50 feet at the same time. The judges of election shall, if requested, permit one person from each political party, selected by the party, to stand outside the guardrail for the purpose of challenging voters. The judges of election shall, if requested, permit the candidates, or some person selected by a candidate, several candidates or a political party, to be present in the room with the judges but outside the guardrail, during the time of receiving and counting the votes. This selection shall be evidenced by a writing signed by the chairman and secretary of the political party or by the candidate or candidates and filed with the judges.

**250.440 Jurisdiction of election judges at polls; punishment for violations.** (1) For the purpose of holding elections and preserving order at the polls, the judges of election are appointed and invested with the jurisdiction and authority of justices of the peace during the time of holding elections. They, or a majority of them, may impose and enforce a fine not exceeding \$50 for each offense, to be applied to the benefit of the school fund, on any person who:

(a) Conducts himself in a disorderly or riotous manner at the polls and persists in such conduct after having been warned of the consequences.

(b) Refuses to move 50 feet from the polls when directed.

(c) Is detected in the commission, in the immediate presence of the judges, of any offenses defined by this chapter.

(2) On the refusal or neglect to forthwith pay the fine to the chairman, the judges, or a majority of them, may commit such person to the jail of the county for any time not exceeding 25 days, or until the fine is paid. The sheriff, deputy sheriff, constable, jailer and policeman of any incorporated city are required to execute forthwith said order as though it had been issued by a magistrate in due form of law. If no sheriff, deputy sheriff, constable or policeman is present, the judges may appoint a

special constable or constables to execute their orders.

**250.450** [Reserved for expansion]

**250.460 Counting, tallying, stringing and sealing ballots.** (1) The counting and tallying of ballots shall begin within one hour after the poll books are signed in the manner prescribed by ORS 250.310, if there is but a single board; but, if there is a second board, the second board shall proceed to read and tally each ballot as required by this section and ORS 250.470.

(2) Only one ballot shall be removed from the box at one time. It must be fully read, counted and tallied before another is removed. The chairman shall take out one ballot. He shall immediately read and announce distinctly, first, the number corresponding with the printed name and the surname of the person voted for, for each office; second, the name of each person whose name has been written on the ballot and the name of the office 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 such bystanders as have a right to be present outside the guardrail, overlook the ballot. In counting and tallying the votes, each ballot marked and voted as required in subsection (2) of ORS 250.110 shall be counted as one vote for each of the groups of candidates for presidential electors nominated to support the candidates so designated as the voter's choice for President and Vice President, without reading the names and counting and tallying separately each of such nominated candidates for presidential elector. The chairman shall then deliver the ballot to the second judge who shall examine it and immediately fold it, sign his initials upon the outer side of the ballot, number it consecutively in the order in which it is counted, with pen and ink, string it on a strong string and carefully preserve it. The same method shall be followed in respect to each ballot in the ballot box. The ends of the string 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 the ballots.

(3) The blank seals of the judges and clerks shall be supplied in the first instance by the Secretary of State, and by the coun-

ty clerk later, in suitable quantities, along with other election supplies. They shall be made of paper, kind, quality, etc., known to the trade as flat writing paper, white manila, sixteen pound folio, cut into sizes for each seal of about five and one-half inches by seven inches. On one side they shall be well coated over the whole surface with a good quality of fish glue. On the opposite shall be printed the following so arranged that the signatures of the judges and clerks of election shall be in the middle portion of the seal:

Note—It is a felony to forge or alter this seal, or for any person to break this seal contrary to law.

Official seal of the board of judges and clerks of election precinct No. .... Board No. ....

....., Chairman.

....., Judge.

....., First Clerk.

....., Second Clerk.

....., Third Clerk.

In the County of ....., Oregon, held on the ..... day of ....., 19....

Note—The judges and clerks are not to sign this seal until just before using it. All blank seals not used by judges shall be destroyed by fire as soon as the returns are completely sealed.

**250.470 Duties of judges and clerks in counting ballots when a second board has been appointed.** The judges and clerks constituting the second board, for each precinct, if a second board has been appointed, shall meet at 1:00 p.m., or the hour specified by the county clerk, on the day for holding a direct primary, general or special election. They shall meet at their polling places as designated in the order appointing them. At such hour, or as soon as 20 or more ballots have been cast, they shall take charge of the ballot box containing those ballots. The second board shall retire to a separate room or space at the voting place, provided for that purpose, and there proceed to count and tabulate the ballots cast as they find them deposited in the ballot box. The receiving board shall continue to receive the votes of electors in the other ballot box. When the counting board has finished counting and tabulating the ballots cast in the first ballot box and when 20 or more ballots have been cast in the second box, the two boards shall exchange the first box for the second box and so continue until they have



counted and tabulated all the votes cast on that election day. If the count is not completed by 8 a.m. of the following day, the first board shall reconvene and relieve the second board and continue the count until 8 p.m. If the count is not yet completed, the second board shall reconvene and again relieve the first board, and so, alternately, until the boards have fully completed the count and certified the returns. Judges and clerks constituting the first board, before being relieved at 8 p.m. of the first day, shall certify and sign the poll books as required by ORS 250.310. The judges and clerks constituting the boards shall number the ballots and count the tallies upon the tally sheets as provided in this chapter and certify the returns so as to distinctly show the work of each board separately.

**250.480 Limitations on use of pens and pencils in counting and tallying votes; private tally.** While the counting is being conducted, no one of the board shall be allowed to have at or in his hands any pencil or pen of any kind, except the clerks keeping the

official tally sheets and the second judge engaged in numbering and signing his initials on the back of each ballot after it is counted and handed to him. The clerks and the second judge shall have and use only pen and ink. All extra pens and pencils shall be removed from the place where the count is being conducted; except that candidates or their duly appointed agents, in a reasonable number, not more than three, who apply to the judges, shall be allowed to have desk facilities outside the guardrail, but near enough to distinctly hear the chairman as he reads aloud each ballot so they may be able to keep a private tally sheet in accord with the official clerks. The chairman especially shall not have any pen or pencil at hand or in his hand during the time of taking out, unfolding, reading and counting the ballots.

**250.490 Tally sheets.** (1) The following shall be the form of the tally sheets kept by the judges and clerks of the election under this chapter:

Tally sheet of the election held at ..... precinct, in the County of ....., on the ..... day of ....., in the year of 19..., containing the number and name of each person voted for, the particular office each person was voted for and the total number of votes cast for each candidate.

No.	Name of Candidates	Office	Total vote received	No.	Tally 5	No.	Tally 10	No.	Tally 15
101	.....	.....	.....	101	.....	101	.....	101	.....
102	.....	.....	.....	102	.....	102	.....	102	.....
103	.....	.....	.....	103	.....	103	.....	103	.....

We hereby certify that at the above 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 office specified.

....., Clerk.  
 Who kept this sheet.  
 ..... , Chairman.  
 ..... , Judge.  
 ..... , Clerk.  
 ..... , Clerk.  
 Who kept the other sheet.

The tally or count, as it is kept by each of the clerks, shall be audibly announced as it proceeds. The columns for the numbers 101, 102, 103, etc., shall not be over three-eighths of an inch wide. The column of 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 and all the figures shall be printed in bold face, small pica. Also, the tally sheets shall be printed in a form to permit the tallying of votes for the offices of President and Vice President, and presidential electors, as a group.

(2) During the counting of the ballots each clerk shall, with pen and ink, keep tally upon one of the above tally sheets. 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 in the columns headed "Total vote" and prepare the certificate above indicated. Immediately upon completion of the count all the clerks shall sign the tally sheet and each of them shall certify which sheet was kept by him. The chairman and second judge, being satisfied of their correctness, shall then sign all three of the tally sheets. The clerks shall then prepare a statement of that portion of the tally sheets showing the number and name of each candidate, the office and total votes received by each in the precinct and shall 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. When two boards of judges and clerks participate in counting the 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, and 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. This shall all be done in ink, but in such a manner as not to render the tally sheet unfit for continuing the count upon the reconvening of the board. During the recess the chairman and the second judge of the board shall each have custody of one of the tally sheets. The third sheet shall be deposited in the ballot box. All three 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 addition 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 of the ballot. The third tally sheet 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 by him safely, subject to the control of the proper court. [Amended by 1955 c.113 §1]

**250.500 Only clearly marked white ballots counted.** In canvassing votes only white ballots furnished under the provisions of this chapter shall be counted. Any ballot from

which it is impossible to determine the elector's choice for any office shall be void and shall not be counted.

**250.510 Counting only part of offices voted for on ballot.** Any ballot from which it is possible to determine the elector's choice for a part of the offices shall be counted for that part. The remainder of the ballot from which it is impossible to determine the elector's choice shall be void and shall not be counted. Judges shall disregard misspelling or abbreviations of the names of candidates if it can be ascertained, from the ballot, for whom it was intended. Every ballot not counted for any party shall be immediately indorsed on the back with pen and ink, by the chairman, "Not counted for....." (stating what office or officers) and signed with his initials.

**250.520 Counting ballots indorsed "State" or "State and District."** In canvassing votes, all ballots found in the box which are marked "State," as provided in ORS 250.670, shall be counted only for state offices to be filled at the election. All ballots marked "State and District," as provided in ORS 250.670, shall be counted only for state and district offices to be filled at the election. The names of persons on the ballots for other than state and district offices shall not be counted.

**250.530 Defective ballots returned to county clerk.** The judges shall carefully envelope all ballots cast which are rejected or defective and not counted for any office. They shall seal them securely and address them to the county clerk. They shall indorse them so they may be identified and transmit them, with the other ballots, to the county clerk. The chairman shall write with pen and ink upon the back of every such ballot, immediately after it is discovered, the words "Wholly defective" and sign his initials to it.

**250.540 Preparation of poll books, tally sheets, ballots and boxes for return to county clerk.** 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 also inclose the tally sheets in separate envelopes and seal them securely. They shall also envelope all the ballots strung on strings and seal them securely. They shall, in writing with pen and ink, specify the contents and ad-

dress each of the packages to the county clerk of the county in which the election precinct is situated. When two boards participate in counting the ballots, each board, before taking its recess, shall knot the ends of the strings upon which the ballots it has counted are strung and seal the knotted ends under the official seal of the board upon the back of the uppermost ballot. They shall then envelope the bunch of ballots and securely seal the package under their official seal, and leave it with the ballot boxes until the count is completed. These sealed packages of counted ballots shall be marked on the outside, showing what numbers are contained in them. 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 into the boxes. The boxes shall then be locked and the official seal of the board which finally completed the count shall be pasted over the keyhole and over the rim of the lid of the box, so that the box cannot be opened without breaking the seal. Thereafter neither the county clerk, nor the canvassers making abstracts of the votes, shall break the seals, nor shall anyone break the seals on the boxes or the ballots, except upon the order of the proper court in case of a 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, or except as authorized by ORS 250.570. [Amended by 1955 c.498 §13]

**250.550 Custody and control of tally sheets, poll book, ballots, stubs and other supplies.** One set of the tally sheets, the poll book which was kept by the second clerk, ballots and stubs, ballot boxes and remaining supplies, shall be immediately conveyed by one of the judges or clerks of election, to be agreed upon for that purpose by the judges, to the county sheriff of the county at such a place as the county sheriff may designate. The remaining complete set of the tally sheets and poll book, inclosed in an envelope and cover, sealed securely and addressed and indorsed on the outside so that the same can be identified, shall be forthwith deposited with one of the judges, not of the same political party as the judge or clerk who conveys the duplicates to the

county sheriff. They shall be kept by him safely, subject to the control of the proper court. When two boards have been engaged in counting the ballots, the judges completing the count shall attach the two sets of tally sheets together and transmit and deposit the completed sets. The chairman of each board shall keep in his possession the third tally sheet of his own board, sealed and indorsed on the outside so that it can be identified, subject to the control of the proper court.

**250.560 Ballot boxes and election supplies to be delivered to sheriff and, by sheriff, to county clerk.** When the ballot boxes and election returns have been delivered to the sheriff or his duly authorized representative, at the place designated in the notice given pursuant to ORS 250.220, he shall deliver them, together with the duplicate of such notice retained by him, to the county clerk as soon as possible in the due course of business.

**250.570 Preservation and final disposition of election returns and supplies.** All certificates of nominations, acceptances, withdrawals, poll books and tally sheets shall be preserved as other records are for two years after the election. The county clerk shall dispose of the ballots and ballot stubs by burning or by selling, without anyone inspecting the same, 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.

**250.580 to 250.600** [Reserved for expansion]

#### **POLLING PLACES AND VOTING**

**250.610 Sheriff secures and arranges polling places.** In sufficient time and not less than one day before every election provided for in this chapter, the sheriff, under the direction of the county court, shall secure and take possession of the places designated by the county court as the polling places in the precincts. He shall provide them with suitable compartments, shelves or tables at which electors are to prepare their ballots. He shall furnish, as directed by the county court, a sufficient number of these compartments, shelves or tables for use by electors so that in preparing ballots each elector may be screened from the observation of other persons. The arrangement shall be such that the ballot boxes, compartments, shelves or

tables, and the electors while preparing their ballots, shall not be hidden from view of the judges, yet they shall be far enough removed and so arranged that the elector may conveniently prepare his ballot with absolute secrecy. There shall be provided in each polling place not less than one compartment, shelf or table for every 40 electors to vote at that polling place; and every polling place shall have at least three compartments, shelves or tables.

**250.620 Sheriff arranges tables, chairs and guardrail at polling places.** The sheriff shall provide and arrange in or nearby each polling place, tables, chairs, lights and fire, if needed, for the use of the judges and clerks in counting the ballots. The tables and chairs shall be arranged so that the chairman and second judge shall sit on one side of the table. The ballot boxes shall be on top of the table and in front of them. Two clerks shall sit on the opposite side of the table facing the chairman and second judge. The third clerk shall sit at the end of the table, to the left of the chairman. The sheriff shall arrange a stout guardrail two feet six inches from the outer sides of this table, just back of the chairs of the judges and clerks. The guardrail will entirely inclose the board of judges and clerks when seated as provided by this section. It shall serve to keep the bystanders away from the table yet not prevent them from overlooking judges and clerks to see that they read and tally the ballots correctly.

**250.630 Persons permitted to be present during casting and counting of ballots.** (1) The candidates, and their agents, and the agents of political parties appointed as provided in ORS 250.430, are entitled to be present in the room where the voting is done from the time of opening to the time of closing the polls. They are also entitled to be present in the room where the ballots are counted until the conclusion of the count and the returns are certified and sealed.

(2) During the time for voting, no person other than the judges and clerks of election and the electors admitted for the purpose of preparing their ballots and voting shall be admitted or permitted to be within the guardrail.

(3) During the time for counting ballots, no person, other than the judges, clerks, candidates, and their agents, and the agents of political parties, appointed as provided in ORS 250.430, shall be allowed to be pres-

ent where the count is being conducted. Not until after the count is fully completed and the returns certified, signed and sealed, shall such candidates or agents be admitted or permitted inside the guardrail.

**250.640 Ballots and ballot stubs numbered when ballot is given to elector; signing poll books.** All official ballots shall be numbered consecutively on the face of both stubs, by the first election clerk, commencing with "1" in each precinct for each series of ballots. Both stubs of the same ballot shall bear the same number. Any person desiring to vote shall give his name and residence to the first election clerk, which clerk shall not be of the same political party as the chairman, who shall then announce the name and residence distinctly to the second and third clerks. The person desiring to vote shall then sign his name with indelible pencil or pen in both of the duplicate poll books in the space provided therein for the voter's signature, which will serve to attest to his residence. The first clerk shall inform the voter that his signature is an attestation to the correctness of his residence within the precinct. A sign shall be posted in plain sight at the polls stating substantially that it is a misdemeanor for a voter to sign his name if his residence is not within the precinct at the time he signs the poll book. The second and third clerks shall write opposite the elector's name in the poll books kept by them, in the column for 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 and measures only, and, if proper, the word "State" or "State and District," with pen and ink upon the back of the voter's official ballot. The first clerk shall tear off one of the stubs and then deliver the ballot, with the remaining stub still attached, to the elector. The detached stub shall be given to the judge of election. He shall keep it until the second stub is handed him by the chairman. The first elector shall be given ballot number "1" and the second elector shall be given ballot number "2." In case more than one variety of ballots is used at the same election, each series shall be numbered consecutively beginning with number "1." If a ballot is spoiled by the elector, as provided by the election laws, and a new ballot is issued, the number of such ballot shall also be put in the proper place on the poll books. If an elector is permitted to vote whose name does

not appear on the voters list furnished by the county clerk, the clerk shall enter his name in the place on the poll books provided for that purpose and place the number of the ballot after his name, but such elector shall also sign the poll books as provided in this section. [Amended by 1955 c.726 §2]

**250.645 Signing poll book prohibited unless residence address correct; correcting errors in residence address in poll book.** (1) No person shall knowingly sign his name in the place provided for the voter's signature in the poll books if the residence address appearing to the right of his signature in the poll books is not his residence address at the time he signs the poll book.

(2) If the residence address of a voter in the poll books is not correctly given because of an error in the preparation of the poll books, the chairman of the judges of election shall ascertain the correct address from the voter by an oath in the manner provided in ORS 250.390. Thereafter an entry shall be made in the poll books by the clerks in the manner provided in ORS 250.400 by adding the words "corrected and sworn" at the end of the voter's address. [1955 c.726 §5]

**250.650 Elector to mark and fold his ballot.** On receiving his white ballot, the elector shall immediately and without leaving the inclosed space, retire alone to one of the compartments or places provided. He shall there prepare his ballot by marking immediately to the left of the name of the candidate of his choice for each office to be filled or by writing in the name of the person for whom he wishes to vote. In case of a constitutional amendment or other question submitted to the vote of the people, he shall mark immediately to the left, the answer he desires to make. Marking shall be done with an indelible copying pencil. Before leaving the compartment or place provided, the elector shall fold his ballot so that the face of it shall be concealed, without displaying the ballot or informing any person how he has prepared it. He shall fold the ballot so the remaining stub may be readily torn off without exposing the contents of the ballot or the marks or crosses thereon. He shall then deliver the ballot to the chairman and state his name and residence.

**250.660 Ballot stub removed, compared and strung; ballot placed in ballot box; entry made in poll book.** (1) Immediately upon re-

ceiving the ballot from the elector, the chairman shall repeat the name and residence distinctly. He shall remove the remaining half of the stub from the ballot without exposing the contents of the ballot or the marks on it and pass the stub to the judge. The judge shall compare it with its counterpart and learn from the second or third clerk that the name opposite the number of such stub in the poll book written on the counterpart corresponds with the name given by the person voting. As fast as electors vote, the judge shall string the mated stubs upon a strong thread. Immediately upon the closing of the polls he shall securely knot together the ends of the thread and carefully preserve the stubs for delivery to the sheriff pursuant to ORS 250.550.

(2) If no objection is made to the elector and the judges are satisfied that the elector is legally qualified to vote for all offices to be filled at that election and that the ballot presented is the identical white ballot received by the elector from the first clerk, the chairman shall immediately put the ballot in the box without any one inspecting or seeing the names written or printed or the marks upon the ballot and without unfolding it. The second clerk shall then enter opposite the name and number of the elector in the poll book the word "Voted," or letter "V."

**250.670 Indorsement on ballot and poll books in the case of electors qualified to vote only for "State" or "State and District" officers.** If a majority of the judges are satisfied the elector is legally qualified to vote in that precinct only for "state" officers, the chairman shall immediately write with pen and ink upon the back of the ballot the word "State" and sign his (the chairman's) initials thereto. If the elector is qualified to vote for district officers also, the chairman shall write as aforesaid the words "State and District." In either case the ballot shall then be deposited in the ballot box and the clerk shall add to the name of the elector upon the poll books the words "State" or "State and District," as the case may be. The elector shall then immediately leave by the way indicated by the judges.

**250.680 Spoiling ballots; assistance to elector in marking his ballot.** If any elector by accident or mistake spoils his ballot so that he cannot conveniently vote it, he may, on returning the spoiled ballot, receive another. If the elector spoils three ballots, it shall be conclusive evidence that he is

unable to prepare his ballot without assistance. He shall then request the assistance of two of the judges to prepare one for him. When the elector spoils a ballot and returns it to the first clerk, the clerk shall write upon the stub the word "Spoiled," sign his initials, remove the stub from the ballot, immediately pass the stub to the judge and then immediately destroy the spoiled ballot without anyone inspecting its contents. He shall then issue another to the elector, as in the first instance, affixing the same name and number to the stubs as the original ballot.

**250.690 Assistance in marking ballot or signing poll book for physically disabled electors; all electors authorized to use sample ballot as aid in voting.** (1) Any elector who declares to the chairman that because of blindness or other physical disability he is unable to prepare his ballot shall, upon request, receive the assistance of both judges or a judge and clerk or some other person chosen by the elector in the preparation thereof. Such officers or person shall ascertain the wishes of the elector and prepare his ballot in accordance therewith, and shall thereafter give no information regarding the same. The chairman may require such declaration of disability to be made by the elector under oath. Whenever an elector receives assistance in this manner, the second clerk shall write upon the poll book opposite the name of the elector the word "Assisted," and if sworn, also "Sworn."

(2) When any elector declares to the chairman that, because of blindness or other physical disability, he is unable to sign the poll books, the second and third clerks shall, under supervision of the chairman, enter the words "unable to sign" in the place provided for the voter's signature.

(3) In preparing his ballot, any elector may use or copy any colored or sample ballot provided by this chapter, which he may choose to mark or have marked in advance to assist him in marking the official ballot. [Amended by 1955 c.726 §3]

**250.700 Use of voting compartments; return of unused ballot to clerk for destruction.** Not more than one person at one time shall be permitted to occupy any one compartment or place provided for electors to prepare their ballots. No person shall remain in or occupy a compartment longer than may be reasonably necessary to prepare his ballot. Every elector who does not

vote any ballot delivered to him shall, before leaving the polling place, return such ballot to the first clerk, who shall write upon the stub thereon "Not voted" and sign his initials. He shall then treat the stub and the ballot in the same manner as in the case of a spoiled ballot. Both clerks shall note the fact upon the poll books by drawing a line with pen and ink across the name of the person and writing the words "Not voted."

**250.710 Ballots not to be taken from polls; unused ballots to be destroyed.** No person shall take or remove any white ballot from the polling place. Immediately upon the closing of the polls the judges shall cause all the white ballots remaining unused to be destroyed immediately by tearing them in pieces or by burning them.

**250.720 Wilful or negligent misconduct of election officials prohibited.** No judge or clerk of election shall wilfully disregard or negligently fail to enforce any of the provisions of ORS 250.010 to 250.200, 250.220, 250.310 to 250.340 or 250.360 to 250.710.

**250.730 to 250.800** [Reserved for expansion]

#### **CANVASS OF RETURNS AND SUBSEQUENT PROCEEDINGS**

**250.810 Canvass of returns, abstracts of votes and certificates of election; special election in case of tie vote for state Senator or Representative; compensation of judges and clerks of election.** (1) On the tenth day after the close of any election or sooner if all the returns have been received, the county clerk shall take to assist him two legal voters of different political parties of the county in which the canvass is held. These assistants shall be sworn to properly exercise the duties of canvasser of election returns. The clerk and his assistants shall proceed to open the returns and make abstracts of the votes. The abstract of votes for Governor shall be one sheet. It shall be transmitted to the Secretary of State separately, as provided in section 4, Article V, Oregon Constitution. The abstract of Secretary of State, State Treasurer, Justice of the Supreme Court, members of Congress, judges of the circuit court, and district attorneys shall be all on one sheet. The abstract of votes for members of the Legislative Assembly shall be on one sheet. The abstract of votes for county and precinct officers shall be on another sheet. The abstract

of votes for officers for each city coming under the provisions of this chapter shall be on separate sheets. The county clerk shall immediately make out a certificate of election to each of the persons having the highest number of votes for county and precinct officers, respectively, and deliver it to the person entitled to it, on his making application to the clerk at his office.

(2) When a tie exists between two or more persons for the Senate or House of Representatives, the county clerk shall give notice to the sheriff, who shall immediately advertise another election for such offices, giving at least 10 days' notice.

(3) The county clerk, on the receipt of the returns of any general or special election, 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 it before the county court at its next term, and the court shall order the compensation to be paid out of the county treasury.

**250.820 Entries to be made in the "Election Record."** Upon the completion of the canvass of the votes, as provided in ORS 250.810, the county clerk shall enter, in a book to be kept for that purpose known as the "Election Record," a complete summary of all votes cast in his county for all offices and all candidates for those offices and for all measures or questions voted upon at the election. He shall enter in the election record the declaration of the board of canvassers showing the final decision upon any office, measure or question, when such final decision is based upon the vote of the county. This record shall be signed by the board of canvassers and attested by the seal of the county.

**250.830 Tie vote for county or precinct office.** If the requisite number of county or precinct officers are not elected, by reason of two or more persons having an equal and the highest number of votes for one and the same office, the clerk whose duty it is to compare the polls shall give notice to the persons so having the highest and an equal number of votes, to attend at the office of the county clerk at a time to be appointed by the clerk. At this meeting the clerk shall proceed publicly to decide by lot which of the persons having an equal number of votes shall be declared elected. The clerk shall make and deliver to the persons thus

declared elected a certificate of his election as provided in this chapter.

**250.840 Duties of Secretary of State and Governor in canvass of votes; new election in case of tie for certain offices.** The county clerk, immediately after making the abstract 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. The Secretary of State shall, in the presence of the Governor, within 30 days after the election and sooner if the returns have been received, canvass the votes for all candidates for all offices voted for in the state at large, except for Governor, and in all electoral districts composed of one or more counties. The Governor shall grant a certificate of election to the person having the highest number of votes. He shall also issue a proclamation declaring the election of such person. In case there is no choice, by reason of any two or more persons having an equal and the highest number of votes for either of such offices, the Governor shall by proclamation order a new election to fill the office.

**250.850 When messenger to be sent for election returns and his compensation.** If the returns of the election of any county are not received at the office of Secretary of State within 30 days after the election, the secretary shall immediately send a messenger to the county court of such county. The county court shall furnish the messenger with a copy of the returns. The messenger shall be paid out of the county treasury of that county the sum of 20 cents for each mile he necessarily travels in going to and returning from the county.

**250.860 Forwarding of returns for Senator and Representative when counties are in same district.** When two or more counties are united in the same Senatorial or Representative district, the return of votes cast for joint Senator or Representatives to the Legislative Assembly shall be forwarded by the county clerk of each county to the Secretary of State in the same manner as votes cast for judges of the Supreme Court and district attorneys are required to be returned.

**250.870 Granting certificates of election to United States Senators and Congressmen.** The Governor shall grant certificates to members elected to the Senate of the United

States, and also to members of Congress. These shall be signed by him, and countersigned by the Secretary of State under the seal of the state.

**250.880 Votes requisite to election.** In all elections in this state, the persons having the highest number of votes for any office shall be deemed to have been elected.

**250.890 to 250.980** [Reserved for expansion]

**PENALTIES**

**250.990 Penalties.** (1) Violation of ORS 250.720 is punishable, upon conviction, by a fine of not less than \$500 nor more than \$2,000, or imprisonment in the penitentiary for not more than three years, or both.

(2) Violation of subsection (1) of ORS 250.645 is a misdemeanor. [Amended by 1955 c.726 §6]

**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