Chapter 260

1959 REPLACEMENT PART

Corrupt Practices and Other Election Offenses

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DEFINITIONS AND GENERAL PROVISIONS

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

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

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

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

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

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

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

260.020 Construction or application of ORS 260.010 to 260.520. None of the provisions of ORS 260.010 to 260.520 shall be construed as relating to the rendering of services by speakers, writers, publishers or others, for which no compensation is asked or given; nor to prohibit expenditure by committees of political parties or organizations for public speakers, music, halls, lights, literature, advertising, office rent, printing, postage, clerk hire, challengers or watchers at the polls, traveling expenses, telegraphing, telephoning, or the making of poll lists. [Amended by 1957 c.643 §2]

260.030 Distribution of copies of law. The Secretary of State shall, at the expense of the state, furnish to the county clerks and the city or town clerks, auditors and recorders, copies of ORS 260.010 to 260.520 as a part of the election laws. The Secretary of State for state and district offices for districts composed of one or more counties, the county clerks for county offices and the city or town clerks, auditors or recorders for municipal offices, shall transmit to the candidates, to the treasurers of political committees and to political agents, as far as they may be known to such officer, and to any other person required to file a statement, upon application for them, a copy or copies of ORS 260.010 to 260.520. Upon his own information, or at the written request of any voter, the Secretary of State shall transmit to any other person believed by him or averred to be a candidate or who may otherwise be required to make a statement, a copy of such sections. [Amended by 1957 c.643 §3]

LIMITATION ON EXPENDITURES

260.040 Limitations on expenditures of candidates for nomination. No sums of money shall be paid and no expenses authorized or incurred by or on behalf of any candidate to be paid by him, except such as he may pay to the state for printing, as provided in ORS 255.031 to 255.061, 255.211 to 255.241 and 255.310, in his campaign for nomination to any public office or position in this state, in excess of 15 percent of one year's compensation or salary of the office for which he is a candidate. However, no candidate shall be restricted to less than $250 in his campaign for such nomination. No sums of money shall be paid and no expenses authorized or incurred contrary to ORS 260.010 to 260.520, for or on behalf of any candidate for nomination. For the purposes of ORS 260.010 to 260.520 the contribution, expenditure or liability of a descendant, ascendant, brother, sister, uncle, aunt, nephew, niece, wife, partner, employer, employe or fellow official or fellow employe of

a corporation shall be deemed to be that of the candidate himself. [Amended by 1957 c.643 §4]

260.050 Limitation on expenditures of party nominees. No sums of money shall be paid and no expenses authorized or incurred by or on behalf of any candidate who has received the nomination to any public office or position in this state, except such as he may contribute towards payment for his political party's or independent statement in the pamphlet provided for in ORS chapter 255, to be paid by him in his campaign for election, in excess of 10 percent of one year's salary or compensation of the office for which he is nominated. However, no candidate shall be restricted to less than $250. No sum of money shall be paid and no expenses authorized or incurred by or on behalf of any political party or organization to promote the success of the principles or candidates of such party or organization, contrary to ORS 260.010 to 260.520. For the purposes of ORS 260.010 to 260.520 the contribution, expenditure or liability of a descendant, ascendant, brother, sister, uncle, aunt, nephew, niece, wife, partner, employer, employe or fellow official or fellow employe of a corporation shall be deemed to be that of the candidate himself. [Amended by 1957 c.643 §5]

260.060 Filing statements of expenditures by candidates; penalty for failure to file. (1) Every candidate for nomination or election to the office of delegate to a party national convention, United States Senator or Representative in Congress, candidates for nomination as President and Vice President of the United States running in the Oregon presidential preference primary and candidates for nomination and election to other offices to be voted for in the state at large or in a district composed of one or more counties, shall file with the Secretary of State, within 15 days after the election at which he was a candidate, an itemized sworn statement, or, in the case of candidates for county and district or precinct offices within the county, with the county clerk, or, in the case of candidates for a town, city or ward office, with the clerk, auditor or recorder of the city or town in which each candidate resides. These statements shall set forth in detail all the moneys contributed, expended or promised by him to aid and promote his nomination or election, or both, as the case may be, and for the election of his party candidates, and all existing unfulfilled promises of every character and all liabilities remaining uncanceled and in force at the time such statement is made, whether such expenditures, promises and liabilities were made or incurred before, during or after the election. If no money or other valuable thing was given, paid, expended, contributed or promised, and no unfulfilled liabilities were incurred by a candidate for public office to aid or promote his nomination or election, or the election of his party candidates, he shall file a statement to that effect within 15 days after the election at which he was a candidate.

(2) Any candidate who fails to file such statement shall be fined $25 for every day on which he was in default, unless he is excused by the court. [Amended by 1957 c.643 §6]

260.070 Accounts of funds received, expended and liabilities incurred by political committees, other persons and organizations; inspection of such records. (1) Every political committee shall have a treasurer, who is a voter, and shall cause him to keep detailed accounts of all its receipts, payments and liabilities. Similar accounts shall be kept by every person who in the aggregate receives or expends money or incurs liabilities to the amount of more than $50 for political purposes, and by every political agent and candidate. Such accounts shall cover all transactions in any way affecting or connected with the political canvass, campaign, nomination or election concerned.

(2) Every person receiving or expending money or incurring liability by authority or in behalf of or to promote the success or defeat of such committee, agent, candidate or other person or political party or organization, shall, on demand, and in any event within 14 days after such receipt, expenditure or incurrence of liability, give such treasurer, agent, candidate, or other person on whose behalf such expense or liability was incurred, a detailed account thereof, with proper vouchers. Every payment, except payments less in the aggregate than $5 to any person, shall be vouched for by a receipted bill stating the particulars of expense. Every voucher, receipt and account required by this section shall be a part of the accounts and files of such treasurer, agent, candidate or other person, and shall

be preserved by the public officer with whom it is filed for six months after the election to which it refers.

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

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

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

260.080 Form for statement of expenses. The statement of expenses required from candidates and others by ORS 260.010 to 260.520 shall be in substantially the following form:

State of Oregon, }
County of——, } ss.

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

And I further state on oath that, except as appears from this return, I have not, and to the best of my knowledge and belief, no person, nor any club, society or association, has, on my behalf, whether authorized by me or not, made any payment, or given, promised or offered any reward, office, employment or position, public or private or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said nomination or election.

And I further state on oath, that, except as specified in this return I have not

paid any money, security or equivalent for money, nor has any money or equivalent for money to my knowledge or belief been paid, advanced, given or deposited by anyone to or in the hands of myself or any other person for my nomination or election for the purpose of paying any expenses incurred on my behalf on account or in respect of the conduct or management of the said election.

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

(Signature of affiant)————.

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

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

260.090 Inspection and verification of statements; filing time and notice to those failing to file. The officers with whom statements are required to be filed shall inspect all statements of accounts and expenses relating to nominations and elections filed with them within 10 days after they are filed. If upon examination of the official ballot it appears that any person has failed to file a statement as required by law, or if it appears to any such officer that the statement filed with him does not conform to law, or upon complaint in writing by a candidate or by a voter that a statement filed does not conform to law or to the truth, or that any person has failed to file a statement which he is by law required to file, the officer shall immediately, in writing, notify the delinquent person. Every complaint filed by a citizen or candidate shall state in detail the grounds of objection, shall be sworn to by the complainant and filed with the officer within 60 days after the filing of the statement or amended statement. Upon the written request of a candidate or any voter, filed within 16 days after any convention, primary or nominating election, the Secretary of State, county clerk, city or town clerk, auditor or recorder, as the case may be, shall demand from any specified person or candidate a statement of all his receipts and from whom received, disbursements and liabilities in connection with or in any way relating to the nomination or election concerned, whether it is an office to which a salary or compensation is attached or not. The person upon whom a demand is made shall thereupon be required to file such statement and to comply with all the provisions relating to statements contained in ORS 260.010 to 260.520. Whoever makes a statement required by ORS 260.010 to 260.520 shall make oath attached thereto that it is in all respects correct, complete and true, to the best of his knowledge and belief, and the verification shall be substantially in the form provided by ORS 260.080.

260.100 [Repealed by 1957 c.643 §9]

260.105 Complaint or other information regarding violation of ORS 260.060 to 260.090; examination of statements; action by Secretary of State; prosecution of violation. (1) As used in this section, "violation" means any violation of ORS 260.060 to 260.090, or any violation pertaining to or arising out of statements required to be filed under ORS 260.060 to 260.090.

(2) Any registered elector may file with any officer with whom statements are required to be filed under ORS 260.060 to 260.090, a written complaint alleging that a violation has occurred and setting forth his reasons for believing that such violation has occurred and any evidence pertaining thereto that he may have.

(3) If a complaint is filed with him under subsection (2) of this section, a county clerk or city clerk, auditor or recorder with whom statements are required to be filed under ORS 260.060 to 260.090, shall immedi-

ately send such complaint to the Secretary of State, together with any other information he may have pertaining to the complaint. If, by reason of information available to him other than a complaint filed with him under subsection (2) of this section, a county clerk or city clerk, auditor or recorder with whom statements are required to be filed under ORS 260.060 to 260.090, believes that a violation has occurred, he shall immediately send to the Secretary of State a notice setting forth his reasons for believing that such violation has occurred and any evidence, or copies thereof, pertaining thereto that he may have.

(4) Upon receipt of a complaint under subsection (2) or (3) of this section or a notice under subsection (3) of this section, or upon information otherwise available to him, the Secretary of State shall immediately cause such complaint, notice or other information to be examined for the purpose of determining whether a violation has occurred. The Secretary of State may request the assistance of the Attorney General in making such examination and determination, or, where the violation involves the Attorney General or a candidate for the office of Attorney General, may employ such other legal counsel as he may consider necessary for such purpose.

(5) If the Secretary of State determines under subsection (4) of this section that a violation has occurred, he shall immediately cause such violation to be prosecuted in the name of the state. The Secretary of State shall either request the Attorney General or an appropriate district attorney to conduct the prosecution or, where the violation involves the Attorney General or a candidate for the office of Attorney General, he may employ other legal counsel for such purpose. If so requested, the Attorney General or district attorney shall immediately take such steps as are necessary and available to prosecute such violation in the name of the state.

(6) The Secretary of State must, within a period of three months following each primary and each general election, examine the statements filed under ORS 260.060 to 260.090 by state-wide candidates and state-wide committees to determine whether those statements in fact conform to law and are in fact the truth. He shall verify by inquiry the source of all contributions in excess of $100 to such candidates and such committees. He may also make like inquiry in the case of lesser amounts or in the case of any other candidate or committee required to file statements with his office. Such inquiry may require any person to answer in writing and upon oath or affirmation any question within his knowledge concerning the source of such contributions. Such inquiry shall advise the person concerned of the penalty provided in ORS 260.510 for failure to answer, and the failure of any person to make such answer under oath shall be punishable as provided in ORS 260.510. [1957 c.643 §1; 1959 c.416 §1]

260.110 Jurisdiction of courts; compelling the filing of a correct statement. The circuit court of the county in which any statement of accounts and expenses relating to nominations and elections should be filed, unless otherwise provided in ORS 260.010 to 260.520, shall have exclusive original jurisdiction of all violations of those sections, and may compel any person who fails to file such statement or who files a statement which does not conform to the requirements of ORS 260.010 to 260.520 in respect to its truth, sufficiency in detail or otherwise, to file a sufficient statement, upon the application of the Secretary of State, Attorney General or a district attorney, or the petition of a candidate or voter. Such petition shall be filed in the circuit court within 60 days after such election, if the statement was filed within the 15 days required. However, such a petition may be filed within 30 days after any payment not included in the statement so filed. [Amended by 1957 c.643 §7]

260.120 Statements to be preserved as public records; making certified copies and publishing totals. All statements, or accurate copies thereof, shall be preserved for six years after the election to which they relate. They shall be public records subject to public inspection. The officers having custody of them shall give certified copies thereof in like manner as of other public records. The totals of each statement, filed with him, with the name of the person or candidate filing it, shall be published in the next annual report of the Secretary of State, the county clerk, or the city clerk, auditor or recorder, as the case may be. [Amended by 1957 c.643 §8]

260.130 to 260.200 [Reserved for expansion]

PRACTICES PROHIBITED

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

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

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

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

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

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

260.270 Payment for putting name on caucus or convention ballot or nomination paper or for performance of duty by political committee prohibited. No payment or contribution for any purpose shall be made a condition precedent to the putting of a name on any caucus or convention ballot, nomination paper or petition, or to the performance of any duty imposed by law on a political committee. [Amended by 1957 c.644 §1]

260.280 Contributions by or solicitation of banks, utility corporations or a majority of their stockholders. No corporation, and no person, trustee or trustees owning or holding the majority of the stock of a corporation, carrying on the business of a bank, savings bank, cooperative bank, trust, trustee, surety, indemnity, safe deposit, insurance, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct, water, cemetery or crematory company, or (a) any company engaged in business as a common carrier of freight or passengers by railroad, motor truck, motor bus, airplane or watercraft or (b) any company having the right to take or condemn land or to exercise franchises in public ways granted by the state, county, city or town, shall pay or contribute in order to aid, promote or prevent the nomination or election of any person, or in order to aid or promote the interests, success or defeat of any political party or organization. No person shall solicit or receive such payment or contribution from such corporation or holders of a majority of such stock. [Amended by 1957 c.605 §1]

260.290 [Repealed by 1957 c.644 §28]

260.300 Use of "undue influence" to affect vote. (1) No person shall directly or indirectly, by himself or any other person in his behalf, make use of any physical force, coercion, violence, restraint or undue influence against any person in order to induce or

compel him to vote or refrain from voting for any candidate, political party ticket or measure submitted to the people. No person, by abduction, duress or any fraudulent contrivance, shall impede or prevent the free exercise of the franchise by any voter at any election, or compel, induce or prevail upon any elector to give or to refrain from giving his vote at any election.

(2) Violators of this section shall be guilty of undue influence and shall be punished as for a corrupt practice. [Amended by 1957 c.644 §2]

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

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

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

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

(2) Violators of this section shall be guilty of impersonation and, upon conviction thereof, shall be punished by imprisonment in the penitentiary for not exceeding three years.

260.330 Payment of loss resulting in performance of electoral duties; wearing of political badges at the polls. (1) No person shall pay another for any loss or damage due to attendance at the polls, or in registering or for the expense of transportation to or from the polls, except that:

(a) Free custody and care of minor children of persons during the time such persons are absent from such children for voting purposes may be provided.

(b) Free transportation to and from the polls for persons voting may be provided, but no means of advertising, solicitation or inducement for the purpose of influencing the vote of persons transported shall be employed in connection with such transportation.

(2) No person shall pay for personal service to be performed on the day of a caucus, convention or any election, for any purpose connected therewith, tending in any way, directly or indirectly, to affect the result thereof. However, persons may be hired whose sole duty is to act as challengers and watch the count of official ballots.

(3) No person shall buy, sell, give or provide any political badge, button or other insignia to be worn at or about the polls on the day of any election. No person shall wear any political badge, button or other insignia at or about the polls on any election day. [Amended by 1957 c.644 §3]

260.340 Requirements for identifying paid political matter published in periodicals; payment for editorial advocacy or opposition. (1) No publisher of a newspaper or other periodical shall insert, either in its advertising or reading columns, any paid matter which is designed or tends to aid, injure or defeat any candidate, political party, organization or measure submitted to the people, unless it is stated therein that it is a paid advertisement. There shall also appear, in the nature of a signature to the advertisement, the name of the person inserting it, with his residence address. No person shall pay the owner, editor, publisher or agent of any newspaper or other periodical to induce him to editorially advocate or oppose any candidate for nomination or election or any measure submitted to the people. No such owner, editor, publisher or agent shall accept such payment.

(2) Any person who violates any of the provisions of this section shall be punished as for a corrupt practice. [Amended by 1957 c.644 §5]

260.350 Solicitation and persuasion on election day; penalty. (1) No person shall, at any place on the day of any election, ask,

solicit or in any manner try to induce or persuade any voter on such election day to vote for or refrain from voting for any candidate, the candidates or ticket of any political party or organization or any measure submitted to the people.

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

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

(2) Violation of this section is an illegal practice, and is punishable, upon conviction, by a fine of not less than $25 nor more than $1,000, or by imprisonment in the county jail for not more than six months, or both. [Amended by 1955 c.446 §1]

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

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

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

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

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

(2) Such corrupt practice shall be deemed to be prevalent when instances thereof occur in different election districts similar in character and sufficient in number to convince the court before which any case involving the same may be tried that they were general and common, or were pursuant to a general scheme or plan. [Amended by 1957 c.644 §6]

260.400 [Reserved for expansion]

PUNISHMENT PROCEEDINGS

260.410 Consequences of failure on part of candidate to file statement of accounts and expenses. (1) The name of a candidate chosen at a primary election or otherwise, shall not be printed on the official ballot for the ensuing election unless there has been filed by or on behalf of such candidate the statements of accounts and expenses relating to nominations required by ORS 260.010 to 260.520, as well as a statement by his political agent and by his political committees in his behalf, if his statement discloses the existence of such agent or committees.

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

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

(3) No person shall receive a certificate of election until he has filed the statements required by ORS 260.010 to 260.520.

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

260.430 Discretion of court in punishment of candidates. Where, upon the trial of any action or proceeding for the contest of the right of any person declared nominated or elected to any office, to annul or set aside such nomination or election or to remove a person from his office for violation of any provision of the election laws, it appears from the evidence that the offense complained of was not committed by the candidate or with his knowledge or consent, that all reasonable means for preventing the commission of such offense at such election were taken by and on behalf of the candidate, that in all other respects his participation in the election was free from such offenses or illegal acts and under the circumstances it seems to the court to be unjust that the candidate shall forfeit his nomination or office or be deprived of any office of which he is the incumbent, then the nomination or election of such candidate shall not by reason of such offense or omission complained of be void, nor shall the candidate be removed from or deprived of his office. [Amended by 1957 c.644 §7]

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

(2) The only exception to this judgment shall be that provided by ORS 260.430. Such judgment shall not prevent the candidate or officer from being proceeded against by indictment or criminal information for any such act. [Amended by 1957 c.644 §8]

260.450 [Repealed by 1957 c.644 §28]

260.460 [Repealed by 1957 c.644 §28]

260.470 Effect of annulment of nomination or election; attempted appointments or elections thereafter. (1) A candidate nominated or elected to an office, and whose nomination or election has been annulled and set aside for violation of any provision of the election laws, shall not, during the period fixed by law as the term of such office, be elected or appointed to fill any office or vacancy in any office or position of trust, honor or emolument under the laws of the state or any municipality.

(2) Any appointment or election to any office or position of trust, honor or emolument made in violation of subsection (1) of this section shall be void. [Amended by 1957 c.644 §9]

260.480 Duties of district attorney; penalty for failure or refusal to perform. (1) Any district attorney on being notified by any officer or other person of any violation of any provision of the election laws within his jurisdiction, shall immediately and diligently inquire into the facts of such violation. If there is reasonable ground for instituting a prosecution he shall file a complaint or information in writing before a court of competent jurisdiction, charging the accused person with such offense.

(2) If any district attorney fails or refuses to perform faithfully any duty imposed upon him by any provision of the election laws:

(a) He shall be deemed guilty of a misdemeanor and, upon conviction, shall forfeit his office.

(b) The Secretary of State or the county clerk of the county of such district attorney may institute appropriate proceedings in the circuit court of the county of such district attorney to compel the district attorney to perform the duty.

(3) The district attorney shall, under penalty of forfeiture of his office, prosecute any and all persons guilty of any violation of any provision of the election laws, the penalty of which is fine or imprisonment, or both, or removal from office. [Amended by 1957 c.644 §11]

260.490 Violations by corporations; penalty. Violation of any provision of the election laws by any corporation organized under the laws of or doing business in this state is punishable, upon conviction of such corporation, by a fine not exceeding $10,000, or forfeiture of the charter and franchises of the corporation, if it is organized under the laws of this state, or, if it is a foreign corporation, injunction from further transacting business in this state, or by both such fine and forfeiture, or by both such fine and injunction. [Amended by 1957 c.644 §12]

260.500 Making of false oath; penalty. No person shall knowingly make any false oath or affidavit where an oath or affidavit is required by any provision of the election laws. Violation of this section shall be deemed perjury and, upon conviction, punished accordingly. [Amended by 1957 c.644 §13]

260.510 General criminal penalty for violations. Violation by any person of any provision of the election laws, the punishment for which is not specially provided by law, is punishable, upon conviction, by imprisonment in the county jail not exceeding one year, or by a fine not exceeding $5,000, or both. [Amended by 1957 c.644 §14]

260.520 Procedural matters generally. Proceedings for violation of any provision of the election laws shall be advanced on the docket upon request of either party for a speedy trial. However, the court may postpone or continue such trial if the ends of justice may be thereby more effectually secured. In case of such continuance or postponement the court may impose costs in its descretion as a condition thereof. No petition shall be dismissed without the consent of the district attorney, unless it is dismissed by the court. No person shall be excused from testifying or producing papers or documents on the ground that his testimony or the production of papers or documents will tend to incriminate him. However, no admission, evidence or paper made or advanced or produced by such person shall be offered or used against him in any civil or criminal prosecution or any evidence that is the direct result of such evidence or information that he may have so given, except in a prosecution for perjury committed in such testimony. [Amended by 1957 c.644 §15]

260.530 [Repealed by 1957 c.644 §28]

260.540 Secretary of State and county clerks to seek out evidence of violations. The Secretary of State and each county clerk shall diligently seek out and bring to the attention of the appropriate district attorney any evidence of any violation of any provision of the election laws. [1957 c.644 §10]

260.550 to 260.600 [Reserved for expansion]

ADDITIONAL ELECTION OFFENSES AND PENALTIES

260.610 Violation of registration law by electors; penalty. (1) No person shall wilfully or fraudently register more than once without canceling his former registration, or register under any but his true name, or attempt to vote by impersonating another who

is registered, contrary to any provision of the election laws, or wilfully register in any precinct where he is not a resident at the time of registering.

(2) Violation of this section is punishable, upon conviction, by a fine of not less than $25 nor more than $2,000, or imprisonment in the penitentiary not exceeding three years, or both. [Amended by 1957 c.644 §16]

260.620 [Repealed by 1957 c. 644 §28]

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

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

(3) Violation of this section is punishable, upon conviction, by a fine of not less than $100 nor more than $500 or imprisonment in the county jail not less than three nor more than six months. [Amended by 1957 c.644 §17]

260.640 Misconduct relating to voting, use of ballot and interference with voter; penalty. (1) No elector shall wilfully leave in the polling place anything other than the official ballot which will show how he has prepared the official ballot.

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

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

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

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

(6) Nothing contained in this section shall prohibit an elector from taking into the polling place or voting booth a marked sample ballot or other voting guide.

(7) Violation of this section is punishable, upon conviction, by a fine of not less than $50 nor more than $200. [Amended by 1957 c.644 §18; 1959 c.358 §1]

260.650 Disclosing for whom elector voted; electioneering at or near polls; improper practices in connection with ballots; penalty. (1) No election officer shall disclose to any person the name of any candidate for whom any elector has voted or give any information by which it can be ascertained for whom any elector has voted.

(2) No election board member or other officer about the polls shall do any electioneering on election day.

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

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

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

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

(7) No person, except an election board member, shall receive from any voter the ballot prepared for voting.

(8) No person shall, contrary to law, ask another at a polling place for whom he intends to vote, or examine his ballot or solicit the voter to show it.

(9) No elector shall knowingly receive any official ballot from any other person than one of the election board members.

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

(11) No person, other than an election board member, shall deliver any official ballot to an elector.

(12) No elector shall deliver any ballot to an election board member to be voted except the one he received from an election board member.

(13) No person shall, contrary to law, place any mark upon or do anything to his or any official ballot by which it may be afterwards identified as the one voted by any particular individual.

(14) Violation of any subsection of this section is punishable, upon conviction, by a fine of not less than $50 nor exceeding $500, or by imprisonment in the county jail not less than three months nor exceeding one year, or both. [Amended by 1957 c.644 §19]

260.660 Altering or destroying ballots or returns; false ballots; stealing ballots or returns; penalty. (1) No person shall wilfully or fraudently alter or destroy any official ballot cast at any election or any of the returns of any election or introduce among the genuine ballots a fraudulent ballot.

(2) No person shall falsely write the initials of any election board member or any writing upon the ballot or ballot stub purporting to be written by any election board member.

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

(4) Violation of this section is punishable, upon conviction, by a fine of not less than $500 nor more than $2,000, or imprisonment in the penitentiary not exceeding three years, or both. [Amended by 1957 c.644 §20]

260.670 Injury to or destruction of posted notices, papers and election supplies; penalty. (1) No person shall, prior to or during an election, wilfully deface, tear down, remove or destroy any notice posted in accordance with any provision of the election laws or, during an election, wilfully deface, tear down, remove or destroy any official paper posted for the instruction of voters, or deface, tear down, remove, alter or destroy any certificate of the result of the election posted under any provision of the election laws, or, during an election, wilfully remove or destroy any of the official or sample ballots, supplies or conveniences furnished to enable a voter to prepare his ballot, or wilfully break the seals or open any of the sealed packages containing any of the supplies for the polling places contrary to any provision of the election laws.

(2) Violation of this section is punishable, upon conviction, by a fine of not less than $50 nor more than $500, or by imprisonment in the county jail not more than one year, or by both. [Amended by 1957 c.644 §21]

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

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

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

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

260.700 Who is voter; punishment for second offense. (1) A person who actually votes or offers to vote at any legally authorized election in this state, although by law he may not be entitled to vote thereat, shall be deemed to be a voter within the meaning of and for the purposes expressed in ORS 260.680 and 260.690.

(2) If any person, having been convicted of any crime defined in ORS 260.680 and 260.690, is afterwards convicted of the same or any other crime defined in such sections, he shall be punished by imprisonment in the penitentiary as provided in such sections, and not otherwise. [Amended by 1957 c.644 §22]

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

entitled to vote at such poll or in such precinct.

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

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

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

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

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

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

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

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

(2) Violation of any provision of subsection (1) of this section is punishable, upon conviction, by a fine of not less than $100 nor more than $1,000, and in addition, in the case of a corporation, by forfeiture of its charter. [Amended by 1957 c.644 §23]

260.740 [Repealed by 1957 c.644 §28]

260.750 Influencing voter to change place of habitation for purpose of illegal voting. No person shall by promise of favor or reward, or otherwise, induce or persuade any person to come into this state, or into any county or precinct within this state, for the purpose and with the intent that such person shall, by so changing his habitation, vote at any election in this state, at any place where such voter or person is not a bona fide resident. [Amended by 1957 c.644 §24]

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

(2) No person shall, in the manner provided in subsection (1) of this section, induce or persuade any legal voter to remain away from the polls and not vote at any election in this state. [Amended by 1957 c.644 §25]

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

260.780 Neglect of duty or corrupt conduct of election officer; penalty. (1) No officer or person on whom any duty is enjoined by any provision of the election laws shall wilfully neglect such duty, or engage in any corrupt conduct in the discharge of the duty.

(2) Violation of this section is punishable, upon conviction, by a fine of not less than $100 nor more than $500, or by imprisonment in the county jail not less than three months nor more than one year, or by imprisonment in the penitentiary not more than three years. [Amended by 1957 c.644 §26]

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

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

260.800 [Repealed by 1957 c.644 §28]

260.810 [Repealed by 1957 c.644 §28]

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

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 November 1, 1959.

Sam R. Haley
Legislative Counsel