Chapter 250

1965 REPLACEMENT PART

Conduct of General and Special Elections

BALLOTS, SUPPLIES AND GENERAL PROVISIONS

250.010 Time of holding general elections and officers elected; general, special and presidential elections to be conducted under this chapter
250.020 Secretary of State's statement of candidates for offices to be filled
250.030 Municipal officers' statements of offices and candidates; expense of local special election
250.070 County clerk to arrange information on ballot
250.080 Printing and furnishing of ballots by county clerk
250.090 Ballot specifications and sample ballots
250.110 Official ballots
250.121 Publication of facsimile ballot
250.140 Rotation of names on ballot
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
250.150 Furnishing of official and sample ballots
250.161 Adjusting ballot when vacancy occurs
250.190 Ballot boxes
250.200 Delivery of election supplies to board
250.210 United States flags furnished by county clerk
250.220 Receipt for delivery of supplies to board; notice of place where returns, ballots and other supplies are to be returned to county clerk
250.225 Disposition of official ballots
250.230 Cities with population over 2,000 to hold elections for officers at same time and place as state and county elections
250.290 Congressional districts and counties therein
250.300 Election of United States Congressmen

GENERAL AND SPECIAL ELECTION PROCEDURE

250.310 Poll book; oath of election board clerks; number of persons voting to be entered in poll book
250.330 Selecting substitute for absent clerk; compensation
250.340 Opening and closing polls; election records to be in view of officials; presence of officials
250.350 Challenging a person's right to vote
250.365 Entry in poll book when voters' pamphlet returned undelivered
250.375 Challenge of voter whose pamphlet was returned undelivered
250.400 Entry in poll books and notation on ballot when elector is challenged
250.410 Rules to determine qualifications of an elector to vote
250.420 Emptying and locking ballot boxes before election
250.430 Regulation of persons at or near polls; challengers and watchers permitted
250.440 Jurisdiction of election clerks at polls; punishment for violations
250.461 Time when ballots to be counted and tallied
250.471 Tally and return sheets; counting and tallying ballots
250.510 Only clearly marked official ballots to be counted; counting only part of offices voted for on ballot
250.520 Counting ballots indorsed "Presidential only"
250.530 Defective ballots returned to county clerk
250.541 Posting results; sending election records and supplies to county clerk
250.545 County clerk to retain certain records
250.570 Preservation and final disposition of election records and supplies

POLLING PLACES AND VOTING

250.610 Securing polling places; required facilities
250.620 Providing necessary equipment and facilities
250.631 Making notations in poll book and on ballot when elector votes
250.645 Signing poll book; correcting error in residence address in poll book
250.655 Voter to mark and deliver ballot; clerk to remove stub; deposit of ballot
250.680 Spoiled 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
250.700 Use of voting compartments; return of unused ballot to clerk for destruction
250.710 Ballots not to be taken from polls; unused ballots to be destroyed
250.720 Wilful or negligent misconduct of election clerk prohibited

CANVASS OF RETURNS AND SUBSEQUENT PROCEEDINGS

250.810 Canvass of returns, abstracts of votes and certificates of election; compensation of election board clerks
250.820 Summary record of votes cast
250.830 Tie vote for county or precinct office
250.840 Duties of Secretary of State in canvass of votes; new election in case of tie
250.845 Procedure to decide tie vote for legislative office
250.870 Granting certificates of election to United States Senators and Congressmen
250.880 Votes requisite to election

PENALTIES

250.990 Penalties

CROSS REFERENCES

Absent voters, Ch. 253
Administration of election laws, Ch. 246
Candidates as delegates to state party convention, 248.220
Criminal penalty for violations of election laws, 260.510
Election contests, 251.015 to 251.090
Election documents, time allowed for receipt, 246.021
Elections for prohibition of the sale of liquor, 471.505, 472.410
Method of amending and revising Constitution and effect of provision on initiative, Const. Art. XVII, §§1, 2
Nonpartisan nominations and elections, Ch. 252
Qualifications and registration of voters, Ch. 247
Recounts, 251.510 to 251.620
Registrar of elections in Multnomah County to perform election duties of county clerk, 246.300
Suffrage, Const. Art. II
Tax base election, time of, 310.410
Vote recording systems, Ch. 258

250.010

Election of certain county officers, 204.005
Election of Governor, Const. Art. V, §§ 4 to 6
Local and special laws, including election laws, not to be passed by legislature, Const. Art. IV, § 23
Prescribing regulations as to elections of Congressmen, U. S. Const. Art. I, § 4, Amend. XVII
Qualifications and election of member of the House of Representatives, U. S. Const. Art. I, § 2
Time for elected officer to assume duties, Const. Art. II, § 14
Time of holding elections, Const. Art. II, § 14

250.030

Certification of ballot titles of initiated or referred measures, 254.100
Certifications of nominations in cases of vacancies in nominations, 249.850

250.070

Ballots for nonpartisan elections, Ch. 252
Ballot titles for initiated or referred measure, printing on ballot, 254.090, 254.100, 254.600
Members of organizations advocating the overthrow by force of the United States Government are prohibited from having names on ballot, 236.030
Name of candidate nominated at primary election failing to file statement of accounts and expenses, not to be on ballot, 260.410
Position numbers in districts represented by more than one legislator, 171.046
Preparation of ballots containing initiated and referred measures, 254.090 to 254.106
Preparation of ballots containing initiated and referred measures that involve the raising of funds or expenditure of public money, 254.190

250.110

See cross references for ORS 250.070
Different ballot number for each candidate where several ballots used, 250.145
Presidential electors, selection of, 248.355

250.140

Rotation on the ballot of names of candidates for judicial office, 252.080

250.145

Election of county commissioners by numbered position, 204.017

250.150

Sample ballot, use in voting, 260.640

250.230

City election provisions, 221.150 to 221.210, 221.906
Separate ballots for city elections, 221.170

250.310

Appointment of election board for each separate part of poll book, 246.310

250.330

Compensation of election board clerks, 246.330, 250.810

250.350

Challenging name of voter in poll book, 247.550 to 247.650
Challenging right of person, who offers certificate of his registration, to vote in precinct other than his own, 253.210
Electors changing residence within county after registers are closed may procure a certificate of registration and vote, 247.151
Penalty, 260.720
Qualifications of voters, Ch. 247
Wagering on election as grounds for challenge, 260.310

250.375

Challenging name of voter in poll book, 247.550 to 247.650

250.410

Certificate of registration as evidence voter qualified, 247.151

250.420

Ballots of absent voters to be placed in ballot box, 253.100

250.430

Restrictions on members of the State Police in regard to presence at voting place, 181.400

250.510

Ballots of absent voters, how handled, 253.085 to 253.100

250.570

Recounts, 251.570

250.631

Counting ballots indorsed "State" or "State and District," 250.520

250.645

Assistance in signing poll book, 250.690
Challenging name of voter in poll book, 247.550 to 247.650

250.720

Compelling election officers to perform duties, 246.810 to 246.830
Penalty for misconduct of election officer, 260.630, 260.780

250.810

Certificate of election not to be issued to person failing to file statements of election expenditures, 260.410
Issuance of certificate of election to sheriff, 206.080
Position numbers in districts represented by more than one legislator, 171.046
Winner of contested election, 251.080

250.880

Recounts and contest of elections, Ch. 251

250.990

Corrupt practices and election offenses, Ch. 260
Neglect of duty or corrupt conduct of election officers prohibited, 260.630, 260.780

BALLOTS, SUPPLIES AND GENERAL PROVISIONS

250.010 Time of holding general elections and officers elected; general, special and presidential elections to be conducted under this chapter. (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 and city 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.
[Amended by 1957 c.608 §120]

250.020 Secretary of State's statement of candidates for offices to be filled. The Secretary of State shall, not later than the sixty-first day before any general election, nor not later than the twentieth day before any special election, prepare and furnish to each county clerk a certified statement showing the state and district offices to be filled in the county at the election, and the names and other information concerning all candidates for such offices to be voted on at the election. The Secretary of State shall keep a copy of such statement in his office available for public inspection.
[Amended by 1957 c.608 §121; 1961 c.121 §4]

250.030 Municipal officers' statements of offices and candidates; expense of local special election. (1) The city clerk, recorder or auditor, as the case may be, of any city with a population of 2,000 or more, according to the last official federal or state census, shall, not later than the sixty-first day before any general election, or not later than the twentieth day before any special election, prepare and furnish to the county clerk of each county in which the city or any part thereof is located, a certified statement showing the city offices to be filled in the city at the election and the names and other information concerning all candidates for such offices to be voted on at the election. If any officers of a city located in more than one county are elected by wards or other subdivisions of the city, the statement to each county clerk shall indicate the names and other information applicable to that part of the city located in the county. The city clerk, recorder or auditor, as the case may be, shall keep a copy of each statement in his office available for public inspection.

(2) If a city holds a special election, it shall bear the expense thereof.
[Amended by 1957 c.608 §122; 1961 c.121 §5]

250.040 [Repealed by 1957 c.608 §231]

250.050 [Repealed by 1957 c.608 §231]

250.060 [Repealed by 1957 c.608 §231]

250.070 County clerk to arrange information on ballot. Not later than the fiftieth day before the day fixed for the election, the county clerk of each county shall arrange, in the manner provided by this chapter, upon the ballot the names and other information concerning all candidates to be voted for in the county at the election. The county clerk shall certify such ballot and keep it in his office available for public inspection.
[Amended by 1957 c.608 §123; 1961 c.121 §6]

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 official ballots 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 official 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.
[Amended by 1957 c.608 §124]

250.100 [Repealed by 1957 c.608 §231]

250.110 Official ballots. (1) The official ballot shall be styled "Official Ballot" and shall state:

(a) The number or name of the precinct and county for which it is intended.

(b) The date of the election.

(c) The names of all candidates for offices to be filled at the election whose nominations have been made and accepted as provided by law, and who have not died, withdrawn or become disqualified. The ballot shall not contain the name of any other person.

(2) The names of candidates for President and Vice President of the United States shall be printed in groups together, under their political party designations. To vote for electors of President and Vice President, the voter shall make a cross (X) or a check mark (✓) inside a voting square between the number and the group containing the names of his choice for President and Vice President. 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 candidate 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 name of his political party or his political designation. In the event that two or more candidates for the same office have the same or similar surnames, the location of their places of residence shall be printed opposite their names in order to distinguish one from another.

(4) Subject to the requirements of ORS 250.140, 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 and Vice President of the United States shall, however, be arranged in groups. There shall be left at the end of the list of candidates for each office a blank space in which the elector may write the name of any person not printed on the ballot for whom he desires to vote. On the left margin of the ballots the name of each group or candidate as printed shall be numbered. The blank lines shall not be numbered. When a constitutional amendment or other measure or question is submitted to the people for their approval or rejection it shall be printed as prescribed by law upon the ballot after the list of candidates.

(5) Each official ballot shall have a stub or stubs which may be removed therefrom. The stub or stubs on the official ballots for a precinct shall be numbered consecutively.

(6) The ballots shall be printed so as to give each elector a clear opportunity to designate his choice for candidates and his approval or rejection of measures or questions submitted. Preference shall be indicated with an indelible mark by making a cross (X) or a check mark (✓) inside a voting square between the number and each group or name of the candidate for whom he wishes to vote, and by making a cross (X) or a check mark (✓) inside a voting square for the answer he wishes to vote for for each measure or question submitted. On the ballot may be printed such words as will aid the elector, such as, "Vote for one," "Vote for three," and with respect to measures or question, "Yes," "No." [Amended by 1953 c.632 §6; 1957 c.608 §126; 1961 c.170 §2]

250.120 [Amended by 1953 c.632 §6; repealed by 1957 c.608 §231]

250.121 Publication of facsimile of ballot. (1) Not later than the fourth day nor prior to the fifteenth day before the general or special election, the county clerk shall cause to be published a facsimile, except as to size, of a sample ballot provided at the election under ORS 250.150.

(2) The facsimile shall be published in at least one issue of one newspaper in each county with a population of less than 10,000, or in each county in which no more than one newspaper is published, and in at least one issue of two newspapers in each county with a population of 10,000 or more in which more than one newspaper is published. The county court or board of county commissioners shall, at the first regular meeting each year, select the newspaper or newspapers in which the facsimile shall be published and shall notify the county clerk of such selection. The newspaper must be published within the county and shall be the newspaper having the largest bona fide circulation within the county as shown by the last annual report made to the United States Government.

(3) If the county court or board of county commissioners determines that publication of the facsimile in the newspaper or newspapers selected under subsection (2) of this section does not give sufficient notice of the election, it may select one or more additional newspapers in the county, in each of which the facsimile shall be published at least once. Such selection shall be made at the same time, but need not be made in the same manner as provided in subsection (2) of this section. The county court or board of county commissioners shall notify the county clerk of such additional selection.

(4) The facsimile shall be published at the current published local display advertising rate.

(5) The facsimile shall not be published in any newspaper unless it agrees that no paid political advertisement shall be placed

on the same page as the facsimile or on the page facing the facsimile. If a newspaper selected under subsection (2) or (3) of this section does not so agree, the county court or board of county commissioners shall select another newspaper in the county with as nearly as possible the same qualifications for the publication of the facsimile.
[1957 c.608 §130; 1961 c.68 §2]

250.130 [Repealed by 1957 c.608 §231]

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 general election the names of the candidates for the office shall be rotated upon the ballots for that election in substantially the same manner as provided by ORS 249.362 for the rotation of names on primary election ballots. However, the names of candidates for President and Vice President of the United States 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.
[Amended by 1957 c.608 §127]

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, at least as many official ballots as there are electors registered in the precinct when the register of electors is closed preceding any such election, and as many sample ballots as the county clerk considers necessary to supply persons requesting them at polling places and for public distribution. The sample ballots may be duplicate impressions of the official ballots and shall be labeled as sample ballots.
[Amended by 1957 c.608 §128; 1961 c.74 §2]

250.160 [Repealed by 1957 c.608 §231]

250.161 Adjusting ballot when vacancy occurs. In the event of a vacancy for any reason in a nomination of a candidate to be voted for at an election, the name of such candidate shall not be printed on the ballots or, if the ballots have already been printed, shall be erased or canceled before the ballots are delivered to the electors for voting. The names of any candidates lawfully nominated to fill such vacancies shall be printed on the ballots or, if the ballots have already been printed, the county clerk shall cause such names to appear on the ballots before they are delivered to the electors for voting.
[1957 c.608 §131]

250.170 [Repealed by 1957 c.608 §231]

250.180 [Repealed by 1957 c.608 §231]

250.190 Ballot boxes. The county clerk of each county shall provide for each election precinct within the county one or more ballot boxes, pouches or other containers, capable of being locked, for the reception of marked ballots.
[Amended by 1957 c.608 §132]

250.200 Delivery of election supplies to board. In sufficient time 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 cause to be delivered to each election board the supplies and materials necessary for the conduct of the election. The county clerk shall keep a record of the supplies and materials so delivered.
[Amended by 1957 c.608 §133; 1961 c.89 §1]

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 outdoors. The flags shall be delivered with the election supplies and materials furnished pursuant to ORS 250.200. The election boards shall cause such flags to be displayed at the street entrance in front of all polling places, throughout voting hours during all elections, in a manner consistent with the statutes of this state and of the United States.
[Amended by 1957 c.608 §134]

250.220 Receipt for delivery of supplies to board; notice of place where returns, ballots and other supplies are to be returned to county clerk. (1) The county clerk shall prepare a receipt for each polling place. Upon receipt of the supplies and materials, the member of the election board to whom they are delivered shall sign the receipt and it shall immediately be returned to and filed with the county clerk.

(2) At the time the county clerk delivers the election supplies and materials to each election board he shall include a notice specifying the place where the return sheets, tally sheets, ballots, ballot stubs, ballot boxes and other supplies shall be delivered to him by the election board.

[Amended by 1957 c.608 §135; 1961 c.89 §2]

250.225 Disposition of official ballots. (1) The official ballots as provided for in ORS 250.150 shall be accounted for by each election board in the following manner:

(a) The number of official ballots initially delivered and the number of additional official ballots thereafter delivered to the precinct shall be posted on the face of the poll book.

(b) After the closing of the polls the election board shall, by an examination of the poll book, determine the number of official ballots voted and the number of official ballots spoiled. These totals shall be posted on the face of the poll book.

(c) After the closing of the polls the election board shall count the unused official ballots in its custody and shall enter this number on the face of the poll book. All unused official ballots and all official ballots which may have been spoiled shall be destroyed by tearing.

(d) In certifying the poll book the chairman of the board and each clerk of the board also certifies as to the official ballot accounting as it appears on the face of the poll book.

(e) The chairman of the counting board, immediately after the tally of the votes, shall count the regular and absentee official ballots either counted or completely rejected and enter the total number on the face of the poll book. This entry shall be certified as correct by the members of the counting board.

(2) Immediately after the close of the polls the county clerk shall destroy by tearing all unused official absentee and regular ballots in his possession.

[1963 c.345 §§5, 6]

250.230 Cities with population over 2,000 to hold elections for officers 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 any city with a population of 2,000 or more, according to the last official federal or state census, shall be held at the same time and place as elections for state and county officers. The election boards for state and county elections shall be the election boards 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 elections. This section shall not be construed as interfering with or limiting the right of other cities to hold elections as provided in section 14-a, Article II, Oregon Constitution.

[Amended by 1957 c.608 §136]

250.240 to 250.280 [Reserved for expansion]

250.290 Congressional districts and counties therein. (1) The State of Oregon hereby is portioned into four congressional districts composed, respectively, of the following counties or parts thereof:

(a) First district: Benton; Clackamas; Clatsop; Columbia; Lincoln; that part of Multnomah west of the middle of the main channel of the Willamette River bounded on the north by the county line, on the east by a line commencing at the intersection of the north county line and the middle of the main channel of the Willamette River, thence southerly along the middle of the main channel to the intersection of the middle of the main channel and the center line of Interstate Highway Route 405 (Stadium Freeway), thence southerly along the center line of Interstate Highway Route 405 to the intersection of that center line and the center line of Interstate Highway Route 5, thence easterly along the center line of Interstate Highway Route 5 to the intersection of that center line and the middle of the main channel of the Willamette River, thence southerly along the middle of the main channel to the intersection of the middle of the main channel and the south county line, on the south by the county line and on the west by the county line; Polk; Tillamook; Washington and Yamhill.

(b) Second district: Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River,

Jefferson, Klamath, Lake, Linn, Malheur, Marion, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco and Wheeler.

(c) Third district: That part of Multnomah not within the first district.

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

(2) Any reference in this section to the middle of the main channel of the Willamette River or to any highway or route means such channel, highway or route as it existed on August 24, 1965.

[Amended by 1965 (s.s.) c.1 §1]

Note: ORS 250.290 as amended by 1965 (s.s.) c.1 §1 does not become operative until the day of the regular general election in 1966, except that the amendment is operative prior to that day for the purpose of nominating candidates to be voted upon for the office of Representative to the Congress of the United States at the regular general election in 1966. See 1965 (s.s.) c.1 §6.

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 Poll book; oath of election board clerks; number of persons voting to be entered in poll book. (1) The county clerk shall deliver to the election boards in each precinct, as other election supplies and materials are delivered, a list in alphabetical order of all the registered electors and of all persons registered as provided in ORS 247.410 to 247.470 in that precinct. The list constitutes the poll book of the precinct. The list shall include the residence address and political party affiliation of each elector. For a precinct containing less than 500 registered electors the county clerk may divide the list and in precincts containing more than 500 registered electors the county clerk shall divide the list into two or more separate parts; such division shall be alphabetical according to the name of the registered electors.

(2) Before entering upon the discharge of their duties, the election board clerks shall take and subscribe an oath in the poll book. Such oath 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 clerks may administer the oaths. Blank oaths of office shall be attached to or printed in the poll book. The additional election board or boards shall be sworn in by the chairman of the first board, or by a notary public, before the poll book is returned 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 the poll book. The poll book shall be immediately signed by each of the election board clerks.

(4) The poll book shall be ruled in a proper manner so that in a column for ballot numbers sufficient space shall appear for inserting the numbers 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.

[Amended by 1955 c.726 §1; 1957 c.608 §137; 1959 c.317 §3; 1961 c.114 §11]

250.320 [Repealed by 1957 c.608 §231]

250.330 Selecting substitute for absent clerk; compensation. If an election board clerk is not present at the time prescribed by law, the other clerks shall elect a qualified person to act as clerk until the absent clerk arrives, and in case he does not arrive within one-half hour, to serve in his stead. The substitute clerk, in addition to other qualifications, shall be of the same political affiliation as the absent clerk. The substitute clerk shall take and subscribe the official oath before acting. Compensation in an amount equal to that which would have been allowed the absent clerk for the period served by the substitute clerk shall be allowed the substitute clerk and shall be deducted from the pay of the absent clerk.

[Amended by 1957 c.608 §138]

250.340 Opening and closing polls; election records to be in view of officials; presences of officials. (1) The polls shall be opened for voting at 8 a.m. and continue open until 8 p.m. of the same day. The first election board clerks shall meet prior to 8 a.m. at their polling places on the day prescribed for holding a general or special election. They shall act until the count and tally of the ballots is completed or until relieved by an additional election board.

(2) Prior to opening the polls the chairman of the election board 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. At no time shall more than one election board clerk be out of the presence of the others.

(3) The ballot boxes, poll book, ballot stubs, return sheets and tally sheets shall be constantly kept together in the presence and view of the election board clerks and the candidates and persons permitted to be present, 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 clerks and persons authorized to be present.

[Amended by 1957 c.608 §139]

250.350 Challenging a person's right to vote. (1) Each election board clerk or any elector present shall challenge any person offering to vote whom he knows or suspects not to be qualified as a registered elector. Whether or not an elector appears to be registered, his right to vote may be challenged at any time before his ballot is actually deposited in the ballot box.

(2) Any election board clerk or elector who challenges any person offering to vote shall make and sign, under oath or affirmation, a written statement of challenge. Such statement shall contain the name and residence address of the challenger, the name of the person challenged and a statement of the facts upon which the challenge is based.

(3) A person offering to vote who is challenged under this section may state, under oath or affirmation, that he is qualified to vote, and if he so states, he shall be permitted to vote, subject to the provisions of ORS 250.400. If such person does not make such a statement, his vote shall be rejected by the election board.

[Amended by 1957 c.608 §140]

250.360 [Repealed by 1957 c.608 §231]

250.365 Entry in poll book when voters' pamphlet returned undelivered. In preparing the poll books for the general election, the Secretary of State and the county clerks shall, in a suitable manner, mark the names of all electors whose voters' pamphlets were returned following the mailing of same for the preceding primary election.

[1963 c.595 §5 (ORS 247.610 to 247.650, 250.365 and 250.375 enacted in lieu of ORS 247.251)]

250.370 [Repealed by 1957 c.608 §231]

250.375 Challenge of voter whose pamphlet was returned undelivered. (1) Any elector attempting to vote at the general election and whose name has been marked in the poll book as described in ORS 250.365 shall be challenged by the chairman of the election board in an effort to determine if the voter is, in fact, a resident of the precinct in which he is registered and that his address as shown in the poll book is correct.

(2) Every voter so challenged must sign and swear to a statement of legal residence as prescribed by the Secretary of State before being allowed to vote.

(3) An elector who signs a challenge statement to the effect that his residence address as shown in the poll book is correct will be allowed to vote. Further, an elector who signs a challenge statement to the effect that his address but not residence has been changed will be allowed to vote. In this latter case the poll book clerk will enter the elector's new residence address in the poll book in order that the county clerk may alter the elector's registration card to reflect this change of address.

[1963 c.595 §6 (ORS 247.610 to 247.650, 250.365 and 250.375 enacted in lieu of ORS 247.251); 1965 c.174 §10]

250.380 [Repealed by 1957 c.608 §231]

250.390 [Repealed by 1957 c.608 §231]

250.400 Entry in poll book and notation on ballot when elector is challenged. (1) Whenever any person's right to vote has been challenged and he has made the statement prescribed by subsection (3) of ORS 250.350, the election board chairman shall write in the poll book at the end of the person's name the words "Challenged and sworn," with the signature of the challenger. The chairman shall then write on the back of the ballot offered by the challenged person the number of his ballot, in order that 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 measure.

(2) The marking of the name of a challenged voter or the testimony of any election board clerk 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.

[Amended by 1957 c.608 §141]

250.410 Rules to determine qualifications of an elector to vote. The election board clerks, 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 registered electors shall vote in the election precinct in the county where they reside for county or city officers, in any county in the state for state officers, or in any county of a congressional district in which the electors reside for Representative in Congress.

[Amended by 1957 c.608 §142]

250.420 Emptying and locking ballot boxes before election. The election board shall, immediately before proclamation of the opening of the polls, open the ballot boxes in the presence of the persons present, turn them upside down so as to empty them and then lock them securely. The boxes shall not be reopened except to count the ballots.

[Amended by 1957 c.608 §143]

250.430 Regulation of persons at or near polls; challengers and watchers permitted. (1) Except as otherwise provided in subsection (2) of this section, no person shall approach or stand within 50 feet of the polls when open for the purpose of receiving votes, except peace officers appointed by the election board chairman to preserve order and electors actually desiring and proceeding to vote. Only a reasonable number of electors shall be permitted to approach the polls within 50 feet at the same time.

(2) The election board shall, if requested, permit one person authorized by each political party to be at the polling place for the purpose of challenging voters, and shall, if requested, permit any candidate, or one person authorized by a candidate, several candidates or a political party, to be present to watch the receiving and counting of the votes. Such authorization shall be evidenced by a writing signed by the county chairman and secretary of the political party or by the candidate or candidates and filed with the election board. Persons permitted to be present to watch the counting of the votes shall not absent themselves until the polls are closed.

[Amended by 1957 c.608 §144]

250.440 Jurisdiction of election clerks at polls; punishment for violations. (1) For the purpose of holding elections and preserving order at the polls, the election board clerks have the jurisdiction and authority of justices of the peace during the time of holding elections. A majority of the board may impose and enforce a fine not exceeding $50 for each offense, to be applied to the benefit of the county 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 election board clerks, of any offenses defined by this chapter.

(2) On the refusal or neglect to forthwith pay the fine to the chairman, a majority of the board may commit such person to the county jail for not exceeding 25 days, or until the fine is paid. The sheriff, deputy sheriff, constable, jailer and policeman of any city shall execute forthwith such an

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 election board chairman may appoint a special constable or constables to execute the orders of the board.
[Amended by 1957 c.608 §145]

250.450 [Reserved for expansion]

250.460 [Repealed by 1957 c.608 §231]

250.461 Time when ballots to be counted and tallied. (1) In precincts in which there is only one election board, such board shall begin to count and tally the ballots after all the ballots have been cast.

(2) In precincts in which there is an additional election board, such board shall begin to count and tally the ballots at the time designated by the county clerk. If the additional board does not complete the count and tally by 8 a.m. on the day following the day of the election, another board may convene, relieve the additional board and continue the count and tally for 12 hours, then the additional board for 12 hours, and so on, alternately, until the count and tally are completed.
[1957 c.608 §146; 1961 c.162 §1]

250.470 [Repealed by 1957 c.608 §231]

250.471 Tally and return sheets; counting and tallying ballots. (1) Tally and return sheets shall be distributed to each election precinct by the county clerk at the same time and in the same manner that the ballots are furnished. The names and numbers of candidates shall be placed on the tally and return sheets. The names of write-in candidates shall be added to the tally and return sheets by the election board which keeps the sheets. The measures voted upon at the election shall also be placed on the tally and return sheets. The tally sheets and two copies of the return sheets shall be kept by the election board and shall contain the number and name of each candidate voted for, the particular office for election to which each candidate was voted for and the total number of votes cast for each candidate for election, and shall also contain each measure or question voted upon at the election and the total number of votes cast for and against each measure or question. The tally shall be audibly announced as it proceeds. The tally and return sheets, when completed, shall be certified correct by the election board which kept them.

(2) In the counting and tallying of the ballots only pen and ink shall be used. No election board clerk shall use a pencil during the counting and tallying.
[1957 c.608 §147 (1), (2)]

250.480 [Repealed by 1957 c.608 §231]

250.490 [Amended by 1955 c.113 §1; repealed by 1957 c.608 §231]

250.500 [Repealed by 1957 c.608 §231]

250.510 Only clearly marked official ballots to be counted; counting only part of offices voted for on ballot. Only official ballots shall be counted. Any ballot from which it is impossible to determine the elector's choice for any office or measure or question shall be void and shall not be counted. Any ballot from which it is possible to determine the elector's choice for a part of the offices or measures or questions 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. Election board clerks 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 shall be immediately indorsed on the back with pen and ink, by the chairman, "Not counted for....." (stating what office or measure or question) and signed with his initials.
[Amended by 1957 c.608 §148]

250.520 Counting ballots indorsed "Presidential only." All ballots marked "Presidential only," as provided in ORS 250.631, shall be counted only for the candidates referred to in ORS 247.410. The names of persons on the ballots for other offices shall not be counted.
[Amended by 1957 c.608 §149; 1961 c.114 §12; 1965 c.174 §8]

250.530 Defective ballots returned to county clerk. The election board shall carefully envelope all ballots cast which are rejected or defective and not counted for any office or measure or question. They shall seal them securely and address them to the county clerk. They shall indorse them so they may be identified and deliver 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.
[Amended by 1957 c.608 §150]

250.540 [Amended by 1955 c.498 §13; repealed by 1957 c.608 §231]

250.541 Posting results; sending election records and supplies to county clerk. The election board, immediately after the completion of the counting of the ballots, shall post one copy of the return sheets in a prominent place outside the polling place and shall deliver to the county clerk, under seal, one copy of the return sheets, together with the tally sheets, ballots, ballot stubs, ballot boxes, written statements of challenge and other supplies. The county clerk shall keep the copy of the return sheets delivered to him on file in his office for 90 days after the date of the election.
[1957 c.608 §147 (3)]

250.545 County clerk to retain certain records. The tally sheets, ballots, ballot stubs, ballot boxes and written statements of challenge delivered to the county clerk as provided for in ORS 250.541 shall be placed in a secure area and be held until called forth by reason of a contest of election or recount or until destroyed as provided for in ORS 250.570.
[1963 c.337 §4]

250.550 [Repealed by 1957 c.608 §231]

250.560 [Repealed by 1957 c.608 §231]

250.570 Preservation and final disposition of election records and supplies. All certificates of nominations, acceptances, withdrawals, poll books and return sheets shall be preserved as other records are for two years after the election. The county clerk shall destroy the ballots, ballot stubs and tally sheets not less than 90 days after the time for any contest that may arise as a result of the election at which the ballots, ballot stubs and tally sheets were used.
[Amended by 1957 c.608 §151]

250.580 to 250.600 [Reserved for expansion]

POLLING PLACES AND VOTING

250.610 Securing polling places; required facilities. In sufficient time and not less than one day before every election provided for in this chapter, the county clerk shall secure and take possession of the places designated by him as the polling places for the precincts. He shall provide them with suitable compartments, shelves or tables at which electors are to mark their ballots. He shall furnish a sufficient number of these compartments, shelves or tables for use by electors so that in marking 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 marking their ballots, shall not be hidden from view of the election board clerks, yet they shall be far enough removed and so arranged that the elector may conveniently mark 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. Every polling place shall have at least three compartments, shelves or tables.
[Amended by 1957 c.608 §152; 1961 c.174 §2]

250.620 Providing necessary equipment and facilities. The county clerk shall provide and arrange in or nearby each polling place the equipment and facilities necessary for each election board to carry out its functions properly and conveniently.
[Amended by 1957 c.608 §153]

250.630 [Repealed by 1957 c.608 §231]

250.631 Making notations in poll book and on ballot when elector votes. (1) The stub number of each official election ballot given an elector to vote shall be recorded in the poll book opposite the name of the elector therein.

(2) In the case of an elector permitted by law to vote only for the candidates referred to in ORS 247.410, the chairman of the election board shall determine which candidates the elector is qualified to vote for and shall make a notation of such determination upon the ballot given the elector and in the poll book opposite the name of the elector.

(3) If an elector whose name does not appear in the poll book is permitted to vote, an election board clerk shall enter the name and residence address of such elector in the poll book.
[1957 c.608 §154; 1961 c.114 §13; 1965 c.174 §9]

250.640 [Amended by 1955 c.726 §2; repealed by 1957 c.608 §231]

250.645 Signing poll book; correcting error in residence address in poll book. (1) Each elector before he receives his ballot shall sign his name in the poll book following his name therein.

(2) No person shall knowingly sign his name in the poll book if his residence address

is not within the precinct at the time he signs the poll book.

(3) If the residence address of a person in the poll book is not correctly given because of an error in the preparation of the poll book, the chairman of the election board shall ascertain the correct address from the person by a statement in the manner provided in subsection (3) of ORS 250.350. Thereafter a correction shall be made in the poll book.

[1955 c.726 §5; 1957 c.608 §155]

250.650 [Repealed by 1957 c.608 §231]

250.655 Voter to mark and deliver ballot; clerk to remove stub; deposit of ballot. On receiving his ballot, the voter shall retire to one of the places provided and mark his ballot. He shall, without exposing the contents of the ballot, deliver the ballot to an election board clerk. The clerk shall remove the stub without exposing the contents of the ballot. The ballot shall then be deposited in the ballot box or pouch by a clerk of the receiving board in the presence of the elector or by the elector.

[1961 c.63 §2]

250.660 [Repealed by 1957 c.608 §231]

250.670 [Repealed by 1957 c.608 §231]

250.680 Spoiled 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. When the elector spoils a ballot and returns it, an election board clerk shall write upon the stub the word "Spoiled," sign his initials, remove the stub from the ballot, immediately pass the stub to the election board chairman and then immediately destroy the spoiled ballot without anyone inspecting its contents. The clerk shall then issue another ballot to the elector, as in the first instance, affixing the same name and number to the stub or stubs as the original ballot. A notation of the spoiling of a ballot shall be made in the poll book following the name of the elector.

[Amended by 1957 c.608 §156]

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, because of blindness or other physical disability, is unable to mark his ballot shall, upon request, receive the assistance of two election board clerks or some other person chosen by the elector in the marking thereof. Such clerks or person shall ascertain the wishes of the elector and mark his ballot in accordance therewith, and shall thereafter give no information regarding such marking. The election board chairman may require a declaration of disability to be made by the elector under oath. Whenever an elector receives assistance in this manner, a clerk shall make a notation thereof in the poll book following the name of the elector.

(2) When any elector, because of blindness or other physical disability, is unable to sign the poll book, a clerk 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 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; 1957 c.608 §157]

250.700 Use of voting compartments; return of unused ballot to clerk for destruction. Except as provided in ORS 250.690, not more than one person at one time shall be permitted to occupy any one compartment or place provided for electors to mark their ballots. No person shall remain in or occupy a compartment longer than may be reasonably necessary to mark his ballot. Every elector who does not vote any ballot delivered to him shall, before leaving the polling place, return such ballot to an election board clerk, who shall write upon the stub thereon "Not voted" and sign his initials. The clerk shall then treat the stub and the ballot in the same manner as in the case of a spoiled ballot. The clerk shall note the fact upon the poll book by drawing a line with pen and ink across the name of the person and writing the words "Not voted."

[Amended by 1957 c.608 §158]

250.710 Ballots not to be taken from polls; unused ballots to be destroyed. No person shall take or remove any official ballot from the polling place. Immediately upon the closing of the polls the election board shall cause all the official ballots remaining unused to be destroyed.

[Amended by 1957 c.608 §159]

250.720 Wilful or negligent misconduct of election clerk prohibited. No election

board clerk shall wilfully disregard or negligently fail to enforce any of the provisions of this chapter.
[Amended by 1957 c.608 §160]

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; compensation of election board clerks. (1) As soon as possible after the election, the county clerk shall make abstracts of the votes using the tally and return sheets delivered to him by the election boards. One representative of each political party may attend at and observe the abstract proceedings. The abstract of votes for Governor shall be on one sheet. It shall be transmitted to the Secretary of State separately, as provided in section 4, Article V, Oregon Constitution. The abstract of votes for other offices shall be on such sheets as are appropriate. The Secretary of State shall furnish each county clerk with appropriate forms for abstract of votes 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 county clerk at his office.

(2) 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 election board clerks may be entitled for their services. He shall lay it before the county court at its next term, and the county court shall order the compensation to be paid out of the county treasury.
[Amended by 1957 c.608 §161; 1963 c.603 §1]

250.820 Summary record of votes cast. Upon the completion of the making of the abstract of votes, as provided in ORS 250.810, the county clerk shall enter, in an election record, a complete summary of all votes cast in his county for all offices, all candidates for those offices, all measures or questions voted upon at the election and the final decision upon any office or measure or question, when such final decision is based upon the vote of the county. This record shall be signed and sealed by the county clerk.
[Amended by 1957 c.608 §162]

250.830 Tie vote for county or precinct office. When a tie exists between two or more candidates by reason of their having an equal and the highest number of votes for the same county or precinct office, the county clerk shall give notice to such candidates to attend at his office either in person or by attorney at a time fixed by the county clerk. At this meeting such candidates shall proceed publicly to decide by lot which of them shall be declared elected. The county clerk shall make and deliver to the candidate thus declared elected a certificate of his election as provided in this chapter.
[Amended by 1957 c.608 §163]

250.840 Duties of Secretary of State in canvass of votes; new election in case of tie. The county clerk, immediately after making the abstract of votes given in his county, shall make a copy of the abstracts and send it by mail or other appropriate means to the Secretary of State not later than the twenty-fifth day after the general or special election. The Secretary of State shall, as soon as possible within 30 days after the election, canvass the votes for all candidates for all offices voted for in the state at large, except for Governor, and in all districts composed of one or more counties. The Secretary of State shall grant a certificate of election to the candidate having the highest number of votes. He shall also issue a proclamation declaring the election of such candidate. Except as provided in ORS 250.845, when a tie exists between two or more candidates by reason of their having an equal and the highest number of votes for the same office, the Secretary of State shall by proclamation order a new election to fill the office.
[Amended by 1957 c.608 §164; 1961 c.47 §1; 1963 c.603 §2]

250.845 Procedure to decide tie vote for legislative office. (1) When a tie exists between two or more candidates by reason of their having an equal and the highest number of votes for the same office of State Senator or Representative in the Legislative Assembly, the Secretary of State shall give notice to such candidates to attend at his office either in person or by attorney at a time fixed by the Secretary of State. At this meeting such candidates shall determine, among themselves, whether to use decision by a lot or recount as the method of deciding which of them shall be declared elected. If such candidates cannot agree on

the method to be used, the method shall be decision by recount.

(2) If the method determined under subsection (1) of this section is decision by lot, the candidates shall, at the meeting, proceed publicly to decide by lot which of them shall be declared elected. The Secretary of State shall grant a certificate of election to the candidate thus declared elected. He shall also issue a proclamation declaring the election of such candidate.

(3) (a) If the method determined under subsection (1) of this section is recount, the Secretary of State shall direct the county clerk of each county in which are located the precincts in which ballots were cast for the office to conduct a recount of such ballots. Except as otherwise provided in this subsection, the recount shall be conducted as provided in ORS 251.560 to 251.600. The recount shall be completed not later than 10 days after the date the Secretary of State directs the recount.

(b) If the abstract of the vote resulting from the recount shows that a tie still exists between two or more of the candidates, the provisions of subsections (1) and (2) of this section shall apply, except that the method of deciding which of the candidates shall be declared elected shall be decision by lot only.

(c) The county shall pay the cost of the recount.

[1963 c.603 §4]

250.850 [Repealed by 1957 c.608 §231]

250.860 [Repealed by 1957 c.608 §231]

250.870 Granting certificates of election to United States Senators and Congressmen. The Secretary of State shall grant certificates to persons elected to the offices of United States Senator or Representative in Congress. These shall be signed by him under the seal of the state.

[Amended by 1957 c.608 §165]

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 (2) of ORS 250.645 is a misdemeanor.

[Amended by 1955 c.726 §6; 1957 c.608 §166]

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 15, 1965.

Sam R. Haley
Legislative Counsel