Chapter 260

1975 REPLACEMENT PART

Campaign Finance Regulation; Election Offenses

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ELECTION CAMPAIGN FINANCE REGULATION (Generally)

260.005 Definitions. As used in this chapter, unless the context requires otherwise:

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

(2) "Committee director" means any person who directly and substantially participates in decision making on behalf of a political committee concerning the solicitation or expenditure of funds and the support of or opposition to candidates or measures.

(3) "Contribute" or "contribution" includes the payment, unrepaid loan, gift, forgiving of indebtedness, or furnishing without equivalent compensation or consideration, of money, services other than personal services for which no compensation is asked or given, supplies, equipment or any other thing of value, to or on behalf of a candidate, political committee or measure; and any unfulfilled pledge, subscription, agreement or promise, whether or not legally enforceable, to make a contribution. In case of any contribution made for compensation or consideration of less than equivalent value, measured if possible by fair market value, only the excess value thereof shall be considered a contribution. "Contribution" does not include payment on behalf of or to a candidate of filing fees, fees for space in the voters' pamphlet or payment by a candidate or a candidate's spouse for personal transportation for the candidate or the candidate's spouse.

(4) "Expend" or "expenditure" includes the payment or furnishing of money or any thing of value or the incurring or repayment of indebtedness or obligation by or on behalf of a candidate, political committee or person in consideration for any services, supplies, equipment or other thing of value performed or furnished in support of or opposition to a candidate, political committee or measure, but does not include expenses for transportation furnished by or for a candidate or a candidate's spouse or filing fees or fees for space in the voters' pamphlet, and does not include contributions.

(5) "Filing officer" means the:

(a) Secretary of State, in the case of a candidate for any state office or any office to be voted for in the state at large, in a congressional district or in a district, port or municipal corporation other than a city, consisting of two or more entire counties or two or more entire counties and portions of one or more additional counties; and in the case of a measure to be voted for in the state at large or in a district, port or municipal corporation other than a city, consisting of two or more entire counties or two or more entire counties and portions of one or more additional counties.

(b) County clerk, in the case of a candidate for any county office or any district, port, municipal corporation other than a city or precinct office within the county, and in the case of a measure to be voted for in one county or in a district, port or municipal corporation other than a city, situated wholly within one county.

(c) City clerk, auditor or recorder, in the case of a candidate for any city or ward office, and in the case of a measure to be voted for in a city only.

(d) County clerk of the county in which the chief administrative officer or administrative board maintains his or her office, in the case of a candidate for office for any district, port or municipal corporation other than a city, and in the case of a measure to be voted for in such district, port or municipal corporation other than a city, when such district, port or municipal corporation other than a city is situated in more than one county but does not include more than one complete county.

(6) "Measure" means any proposed law, Act or part of an Act of the Legislative Assembly, revision of or amendment to the Oregon Constitution, local, special or municipal legislation or proposition or ballot question submitted to the people for their approval or rejection at an election.

(7) "Occupation" means the nature of the individual's principal business and, if the individual is employed by another person, the business name and address of the employer.

(8) "Person" means an individual or a corporation, association, firm, partnership, joint stock company, club, organization or other combination of individuals having collective capacity.

(9) "Political committee" means a combination of two or more individuals, or a person other than an individual, the primary or incidental purpose of which is to support or oppose any candidate, measure or political party or principle.

(10) "Political treasurer" means an individual appointed by a candidate, as provided by ORS 260.037, or political committee as provided in ORS 260.035 or, if a political committee fails to comply with ORS 260.035, the chairman of the political committee.

(11) "Principal campaign committee" means a political committee designated by the candidate to serve as his principal political committee. No more than one political committee may be designated as the principal campaign committee. No political committee may be designated as the principal campaign committee of more than one candidate.

(12) "Public office" means any national, state, county, school or other district, precinct, city, ward or political party office or position that is filled by the voters.

(13) "Publisher" means a candidate or political committee who causes to be printed, published, posted, broadcast or circulated through the mails or otherwise any letter, circular, bill, placard, poster, advertisement or other publication or broadcast relating to any election or to any candidate or measure at any election.
[1971 c.749 s.1; 1973 c.744 s.1; 1975 c.683 s.6]

260.010[Amended by 1969 c.279 s.2; 1971 c.749 s.25; renumbered 260.305]

260.020[Amended by 1957 c.643 s.2; repealed by 1971 c.749 s.82]

260.025[1971 c.749 s.2; repealed by 1973 c.623 s.3]

260.027 [1973 c.623 s.2; repealed by 1975 c.684 s.11]

260.030[Amended by 1957 c.643 s.3; 1971 c.749 s.26; renumbered 260.315]

(Political Treasurers, Statements of Organization and Accounts)

260.035 Political treasurers; requirement; appointment; functions. (1) Each political committee shall appoint a political treasurer and certify the name and address of the political treasurer to the filing officer. A political treasurer so appointed shall be a registered elector of this state. An individual may be appointed and serve as political treasurer of a candidate and a political committee or two or more candidates and political committees.

(2) A candidate or political committee may remove his or its political treasurer. In case of the death, resignation or removal of his or its political treasurer before compliance with all obligations of a political treasurer under ORS 260.005 to 260.255, a candidate may or political committee shall appoint a successor and certify the name and address of the successor in the manner provided in the case of an original appointment.

(3) Except as provided in subsection (2) of ORS 260.154, no contribution shall be received or expenditure made by or on behalf of a political committee:

(a) Until the political committee appoints a political treasurer and certifies the name and address of the political treasurer to the filing officer.

(b) Unless the contribution is received or expenditure made by or through the political treasurer of the political committee.
[1971 c.749 s.3; 1973 c.744 s.2]

260.037 Political treasurers for candidates; appointment; liability of candidate for default or violation of treasurer. A candidate may serve as his own political treasurer or may appoint and certify to the filing officer the name and address of a political treasurer. If a candidate appoints a political treasurer, his political treasurer shall perform all the duties prescribed for the candidate under ORS 260.005 to 260.255. The candidate shall, in addition to the political treasurer, be personally responsible for the performance of such duties and any default or violation by the political treasurer shall also conclusively be considered a default or violation by the candidate.
[1973 c.744 s.4]

260.040[Amended by 1957 c.643 s.4; repealed by 1971 c.749 s.82]

260.042 Statement of organization of political committee other than principal campaign committee; filing amended statement. (1) The political treasurer of each political committee other than the treasurer of a principal campaign committee shall file with the filing officer within 10 days after organization of the committee or within 10 days after receiving a contribution or making an expenditure, whichever is earlier, a statement of organization. The statement shall include:

(a) The name, address and nature of the committee.

(b) The name, address and occupation of the committee directors.

(c) The name and address of the committee campaign treasurer.

(d) The name and address of any other political committee of which two or more

committee directors are also directors of the committee filing the statement.

(e) A statement of whether the committee presently intends to remain in existence for more than one year.

(f) The name, office sought, and party affiliation of each candidate whom the committee is supporting or intends to support, when known, or if the committee is supporting all the candidates of a given party, the name of that party.

(g) A designation of any measure which the committee is opposing or supporting, or intends to support or oppose.

(h) A statement of how the committee intends to solicit funds.

(2) Any change in information previously submitted in a statement of organization provided in subsection (1) of this section shall be indicated in an amended statement of organization filed within 30 days after the change in information.
[1975 c.683 s.s.2, 3]

260.045 Contributions by out-of-state political committees. A candidate or political treasurer shall not accept a contribution of more than $50 from a political committee not in this state unless:

(1) The contribution is accompanied by a written statement setting forth the name, occupation and address of each person, or the name, address and primary nature of each political committee, who contributed more than $100 of the contribution to a candidate for state-wide office or for a state-wide measure, or $50 of the contribution to a candidate for other than state-wide office or for a measure other than a state-wide measure and certified as true and correct by an officer of the contributing political committee. As used in this subsection, "address" includes street number and name or rural route number, city and state; or

(2) The candidate or political treasurer files with the filing officer, at the same time he files a statement setting forth the contribution, his affidavit that to the best of his knowledge and belief the contributing political committee will make no contributions to candidates and political treasurers in this state exceeding two-thirds, in total amount, of all contributions made by it in this state and elsewhere during the period described in ORS 260.072 for which the statement is filed.
[1971 c.749 s.4; 1973 c.744 s.5; 1975 c.675 s.32]

260.050[Amended by 1957 c.643 s.5; repealed by 1971 c.749 s.82]

260.055 Accounts of contributions and expenditures; inspection; preservation of accounts. (1) Each candidate and the political treasurer of each political committee shall keep detailed accounts, current within not more than seven days after the date of receiving a contribution or making an expenditure, of all contributions received and all expenditures made by or on behalf of the candidate or political committee that are required to be set forth in a statement filed under ORS 260.072 or 260.092.

(2) Accounts kept by a candidate or the political treasurer of a political committee may be inspected, before the election to which the accounts refer and under reasonable circumstances, by any opposing candidate or the political treasurer of any political committee for the same electoral contest. The right of inspection may be enforced by writ of mandamus issued by any court of competent jurisdiction. The political treasurers of political committees supporting a candidate may be joined with the candidate as defendants in a mandamus proceeding.

(3) Accounts kept by a candidate or political treasurer shall be preserved by the candidate or political treasurer for at least six months after the date of the election to which the accounts refer or at least six months after the date the last supplemental statement is filed under ORS 260.092, whichever is later.
[1971 c.749 s.5; 1973 c.744 s.6]

260.060[Amended by 1957 c.643 s.6; 1969 c.279 s.1; repealed by 1971 c.749 s.82]

(Statements of Contributions and Expenditures)

260.062 Filing of correct statement required. A person required to file a statement under ORS 260.072 to 260.162 shall file a statement that substantially conforms to law and to the truth.
[1971 c.749 s.6; 1973 c.744 s.7]

260.065[1965 c.110 s.2; repealed by 1971 c.749 s.82]

260.067[1965 c.289 s.2 (260.067, 260.075 and 260.077 enacted in lieu of 260.070); 1969 c.243 s.1; repealed by 1971 c.749 s.82]

260.070[Amended by 1961 c.75 s.1; repealed by 1965 c.289 s.1 (260.067, 260.075 and 260.077 enacted in lieu of 260.070)]

260.072 Statements of candidates and political committees; time for filing. (1) Except as otherwise provided in ORS 260.112 and subsection (6) of this section, each candidate and the political treasurer of

each political committee shall file with the filing officer:

(a) Not more than 30 days and not less than 21 days before the date of an election, a statement of all contributions received and all expenditures made by or on behalf of the candidate or political committee during the period beginning as provided in subsection (2) of this section and ending on the 30th day before the date of the election.

(b) Not more than 12 days and not less than seven days before the date of an election, a statement of all contributions received and all expenditures made by or on behalf of the candidate or political committee during the period beginning on the 30th day before the date of the election and ending on the 12th day before the date of the election, and, if the candidate or political committee will expend more than $3,000 during the 12-day period ending on election day, a statement of the estimated amount of additional expenditures to be made by or on behalf of the candidate or political committee in the 12-day period ending on election day. The total expenditures made by or on behalf of the candidate during the 12-day period ending on election day shall not exceed by more than 15 percent the estimated amount reported under this paragraph.

(c) Not more than 30 days after the date of an election, a statement of all contributions received and all expenditures made by or on behalf of the candidate or political committee during the period beginning on the 12th day before the date of the election and ending on the 20th day after the date of the election.

(2) The period referred to in subsection (1) of this section begins:

(a) For a regular biennial general election, on the day after the date of the preceding primary election.

(b) For any other election, on the 250th day before the date of the election.

(3) The statement required by paragraph (c) of subsection (1) of this section shall not contain expenditures made for any other election.

(4) If a report filed under this section shows any assets on hand at the beginning of the first reporting period, it shall set forth all contributions giving rise thereto in accordance with ORS 260.162.

(5) Each statement required by this section shall be signed and certified as true and correct by the candidate or political treasurer required to file it.

(6) A candidate for federal office shall file statements required by the federal election laws in lieu of the statements required by ORS 260.027 to 260.162. The statements required by federal election laws shall be filed in the office of the Secretary of State on or before the federal filing dates. The Secretary of State at any time may make a determination in the manner provided by ORS 183.310 to 183.410 that the standards and requirements of the federal election laws relating to candidates for federal office are not substantially similar to those contained in ORS 260.027 to 260.162. If the Secretary of State makes such a determination, candidates for federal office are subject to the requirements of ORS 260.027 to 260.162.

[1971 c.749 s.7; 1973 c.744 s.8; 1975 c.683 s.7]

260.075[1965 c.289 s.3 (260.067, 260.075 and 260.077 enacted in lieu of 260.070); 1967 c.469 s.1; repealed by 1971 c.749 s.82]

260.077[1965 c.289 s.4 (260.067, 260.075 and 260.077 enacted in lieu of 260.070); 1967 c.339 s.3; repealed by 1971 c.749 s.82]

260.080[Repealed by 1971 c.749 s.82]

260.082[1971 c.749 s.8; repealed by 1973 c.744 s.48]

260.090[Repealed by 1971 c.749 s.82]

260.092 Supplemental statements of unexpended balances and deficits. (1) If a statement filed under paragraph (c) of subsection (1) of ORS 260.072 shows an unexpended balance of contributions or an expenditure deficit, the candidate or political treasurer of the political committee, not later than the 10th day following the close of every other calendar quarter, shall file with the filing officer a statement containing any change in the unexpended balance or expenditure deficit. Such a statement shall be filed until a statement is filed containing no deficit or no balance.

(2) A central committee of a political party as defined by ORS 248.025 and 248.075 shall not be required to file a supplemental statement under subsection (1) of this section.

(3) Each supplemental statement required by this section shall be signed and certified as true and correct by the person required to file it.

[1971 c.749 s.9; 1973 c.744 s.13; 1975 c.683 s.8]

260.100[Repealed by 1957 c.643 s.9]

260.102 Statements of persons reducing expenditure deficit. A person who receives or expends money or any other thing of value, after the date of an election, for the purpose of reducing an expenditure deficit shown by a statement of contributions and expenditures filed by a candidate or

political treasurer, and who is not the candidate or political treasurer and does not receive or expend the money or other thing of value through the candidate or political treasurer, shall file with the filing officer a statement showing the source of all money or other things of value so received or expended. The statement shall list the name, occupation and address of each person, or the name, address and primary nature of each political committee, who contributed an aggregate amount of more than $100 on behalf of a candidate for state-wide office or for a state-wide measure, or more than $50 on behalf of a candidate for other than state-wide office or for a measure other than a state-wide measure. The statement may list as a single item the total amount of other contributions, but shall specify how those contributions were obtained. The statement shall be signed and certified as true and correct by the person required to file it or by his authorized representative. As used in this section, "address" includes street number and name or rural route number, city and state.
[1971 c.749 s.10; 1973 c.744 s.14; 1975 c.675 s.33]

260.105[1957 c.643 s.1; 1959 c.416 s.1; 1963 c.175 s.1; 1971 c.749 s.28; renumbered 260.345]

260.110[Amended by 1957 c.643 s.7; repealed by 1971 c.749 s.82]

260.112 Statements not required of candidates with expenditures not more than $500. If all expenditures made by or on behalf of the candidate during a period described in ORS 260.072 are in a total amount of not more than $500, no statement of contributions received and expenditures made by or on behalf of the candidate during that period is required. However, contribution and expenditure records must be kept, and the candidate must file a certificate under penalty of false swearing that expenditures were less than $500.
[1971 c.749 s.11; 1975 683 s.9]

260.120[Amended by 1957 c.643 s.8; 1961 c.67 s.1; repealed by 1971 c.749 s.82]

260.122 Statements of no contributions or expenditures. Except as otherwise provided in ORS 260.112, if no contribution is received or expenditure made by or on behalf of a candidate or political committee during a period described in ORS 260.072, the candidate or political treasurer of the political committee shall file with the filing officer, at the time required by ORS 260.072 for the period, a statement to that effect. Each statement shall be signed and certified as true and correct by the person required to file it.
[1971 c.749 s.12; 1973 c.744 s.15]

260.130[1967 c.339 s.2; repealed by 1971 c.749 s.82]

260.132 [1971 c.749 s.13; repealed by 1975 c.683 s.15]

260.142[1971 c.749 s.14; repealed by 1973 c.744 s.48]

260.150 Application of ORS 260.035 to 260.162 to certain contributions and expenditures. (1) A person or political committee other than a candidate or his principal campaign committee which receives contributions or makes expenditures in support of a single candidate, or in opposition to one or more candidates, with the consent of a single candidate, is not subject to ORS 260.035 to 260.162 if such contributions and expenditures are reported by the candidate or political committee on whose behalf they were made.

(2) Any other person or political committee subject to ORS 260.035 to 260.162 which incurs any expense or makes any expenditures on behalf of a candidate, or in opposition to a candidate, shall report the total of such expenditures to the Secretary of State on a form prescribed by the secretary. The person or committee shall file a separate form for each candidate which the person or committee has supported or opposed, showing the name of the person or committee making the report, the name of the candidate supported or opposed and the total amount expended in support of or opposition to the named candidate. Such forms shall be filed by the person or committee at the time of filing reports required by ORS 260.035 to 260.162. The Secretary of State shall cause the forms to be filed with the reports of the candidate supported or opposed by the person or committee filing the form. If an expense or expenditure is in opposition to a candidate, and not identifiably on behalf of any particular candidate, duplicate reports shall be filed for all other candidates for the same office.

(3) Expenses incurred by such a person or political committee on behalf of or in opposition to more than one candidate shall be allocated between such candidates on a reasonable basis.

(4) Expenses incurred by a political committee, not allocable to any particular candidate or candidates, including expenses incurred in solicitation of funds intended to be contributed to candidates to be designated later, shall not be considered expenditures in

support of a candidate for purposes of subsection (2) of this section.
[1975 c.684 s.5]

260.152[1971 c.749 s.15; repealed by 1973 c.744 s.48]

260.154 [1973 c.744 s.10; repealed by 1975 c.684 s.11]

260.156 Rules regarding expenditures and contributions. (1) The Secretary of State may adopt rules pursuant to ORS 183.310 to 183.410 for the manner of determining and reporting expenditures and contributions under this chapter, including but not limited to rules for allocation of contributions and expenditures and for determination of fair market value of in-kind contributions and contributions other than money, including but not limited to contributions of office space or of equipment, supplies or facilities, transportation expenses other than for personal transportation of a candidate or a candidate's spouse and any other contribution or expense which does not have a readily ascertainable money value or equivalent.

(2) The valuation or allocation of any contribution or expenditure under such rule of Secretary of State adopted prior to the making of such contribution or expenditure or, if it is a continuing contribution or expenditure, the valuation or allocation of that part thereof available to and used on behalf of the candidate subsequent to the adoption of the rule, shall be presumed to be the true value or allocation thereof.
[1973 c.744 s.11; 1975 c.683 s. 10; 1975 c.684 s.7a]

260.158 When individual considered political committee. Any individual who during a period described in subsection (2) of ORS 260.072 makes expenditures in a total amount of more than $100 in support of or in opposition to a candidate for state-wide office or a state-wide measure, or more than $50 in support of or in opposition to a candidate for other than state-wide office, a measure other than a state-wide measure or a political committee, shall be a political committee, and shall as his own political treasurer file the statements required by ORS 260.072. For the purpose of this section, an expenditure shall not include a contribution to a candidate or political committee who files a statement of contributions or expenditures under ORS 260.062 to 260.162.
[1973 c.744 s.12; 1975 c.683 s.10a]

260.162 Contents of statements; filing requirements. (1) A statement filed under ORS 260.072 or 260.092 shall set forth:

(a) Under contributions, a list of all contributions received. The statement shall list the name, occupation and address of each person, or the name, address and primary nature of each political committee, who contributed an aggregate amount of more than $100 on behalf of a candidate for state-wide office or for a state-wide measure, or more than $50 on behalf of a candidate for other than state-wide office or for a measureother than a state-wide office or for a measure other than a state-wide measure, and the total amount contributed by that person or political committee. The statement may list as a single item the total amount of other contributions, but shall specify how those contributions were obtained. As used in this paragraph, "address" includes street number, and name or rural route number, city and state.

(b) Under expenditures, a list of all expenditures made, showing the amount and purpose thereof. Each expenditure in an amount of more than $50 shall be vouched for by a receipt or canceled check or an accurate copy thereof. A statement filed under paragraph (a) or (b) of subsection (1) of ORS 260.072 shall list expenditures which total $100 or more to any one person as well as the total amount of all expenditures. Any thing of value paid for or contributed by any person shall be listed both as an expenditure and a contribution.

(c) The statement shall also separately list all contributions made by the candidate or political committee to any other candidate or political committee.

(d) Expenditures made by an agent of a political committee on behalf of the committee shall be reported in the same manner as if the expenditures had been made by the committee itself.

(2) Any statement required to be filed under ORS 260.072 or 260.092 shall be considered as filed only when it is received in the office of the filing officer and to be in default unless received no later than the day due or, if the day due is a Saturday, Sunday or holiday, on the next succeeding business day.
[1971 c.749 s.16; 1973 c.744 s.16; 1975 c.675 s.34a; 1975 c.683 s.11]

(Administration and Enforcement)

260.200 Secretary of State to prescribe system of accounts and forms; furnishing forms. The Secretary of State shall:

(1) Prescribe a uniform system for accounts required by ORS 260.055.

(2) Prescribe forms for statements and other information required by ORS 260.035 and 260.072 to 260.152 to be filed with filing officers, and furnish those forms to persons required to file those statements and other information.
[1971 c.749 s.17]

260.205 Inspection of statements; notice of failure to file correct statements. (1) A filing officer shall inspect each statement filed with him under ORS 260.072 to 260.152 within 10 days after the date it is filed.

(2) A filing officer immediately shall notify a person required to file a statement with the filing officer under ORS 260.072 to 260.152 if:

(a) Upon examination of the official ballot, it appears to the filing officer that the person has failed to file a statement as required by law or that a statement filed with the filing officer by the person does not conform to law; or

(b) A complaint is filed with the filing officer as provided in subsection (3) of this section.

(3) Any registered elector may file with a filing officer a complaint that a statement filed with the filing officer does not conform to law or to the truth or that a person has failed to file a statement as required by law. The complaint shall be in writing, shall state in detail the grounds of complaint, shall be sworn to by the complainant and shall be filed with the filing officer within 60 days after the date the statement of which it complains is filed or should have been filed as required by law.
[1971 c.749 s.18]

260.210[Amended by 1971 c.749 s.36; renumbered 260.402]

260.215 Examination and investigation of statements by filing officers. Within three months after the date of each primary and each general election each filing officer shall examine each statement filed with him under ORS 260.072 to 260.162, and referring to the election, to determine whether the statement conforms to applicable statutes. The filing officer may require any person to answer in writing and upon oath or affirmation any question within the knowledge of that person concerning the source of any contribution. The inquiry shall advise the person concerned of the penalty for failure to answer.
[1971 c.749 s.19; 1973 c.744 s.19]

260.220[Repealed by 1971 c.749 s.82]

260.225 Court proceedings to compel filing of correct statements. Upon the petition of the Secretary of State or any registered elector, or of any other filing officer with whom a report is required to be filed, the circuit court for the county in which a filing officer has his office may compel any candidate, political treasurer or person who fails to file any statement required to be filed with the filing officer under ORS 260.072 to 260.162, or who files with the filing officer a statement that does not comply with applicable statutes, to file with the filing officer a proper statement. The petition shall be filed with the circuit court within 60 days after the date the statement is filed or should have been filed as required by law.
[1971 c.749 s.20; 1973 c.744 s.20]

260.227 [1973 c.744 s.18; repealed by 1975 c. 684 s.1 (260.228 enacted in lieu of 260.227)]

260.228 Civil penalty for failure to file statements. (1) Notwithstanding any other penalty which may be imposed by law for failure to file a statement required to be filed under ORS 206.062 to 260.162, the Secretary of State, on his own motion in the case of a statement required to be filed with him or on the request of any other filing officer with whom a statement is required to be filed but was not filed, may schedule a hearing on whether to impose a civil penalty as provided in subsections (2) and (3) of this section and to consider any circumstances in mitigation.

(2) If a candidate, political treasurer or other person required to file a statement has not filed such statement complying with applicable provisions of ORS 260.062 to 260.162 within the time required, the Secretary of State by certified mail shall notify the person that a penalty may be imposed against him and that he has seven days to request a hearing before the Secretary of State. If the person requests a hearing not later than seven days after receiving the notice, the Secretary of State shall hold a hearing to determine whether to impose a civil penalty and to consider any circumstances in mitigation. The hearing shall be held, and the Secretary of State's order may be appealed, by the procedure for a contested case provided in ORS chapter 183.

(3) A civil penalty may be imposed against a candidate, political treasurer or other person referred to in subsection (2) of this section. The penalty imposed shall be not more than five percent of the total contributions or total expenses and expenditures required to be reported in the statement, whichever is greater, for each day, including Sundays and holidays, beginning on the day the Secretary of State mailed the notice referred to in subsection (2) of this section until the day a statement conforming to the law and the truth is filed. However, the penalty shall be not less than $10 for each day. The Secretary of State upon a showing of extenuating circumstances may reduce the amount of the penalty.

(4) The Secretary of State may file the order assessing the penalty, or a certified copy thereof, with the clerk of any circuit court in the state:

(a) After expiration of the time in which an appeal may be taken; or

(b) After final determination of the matter on appeal.

(5) Such orders shall be docketed in the judgment docket and may be enforced in the same manner as a judgment.

[1975 c.684 s.2 (enacted in lieu of 260.227)]

260.230[Repealed by 1967 c.630 s.2 (260.231 enacted in lieu of 260.230)]

260.231[1967 c.630 s.3 (260.231 enacted in lieu of 260.230); 1971 c.749 s.40; renumbered 260.432]

260.235 Ballot vacancies for failure to file statements. (1) The name of a candidate nominated at a primary election or otherwise shall not be printed on the official ballot for the succeeding election if the candidate fails to file any statement referring to the nomination he is required to file under ORS 260.072, 260.092 or 260.122.

(2) Delay in the filing of a statement referred to in subsection (1) of this section beyond the time required by law does not prevent the acceptance of the statement or prevent the insertion of the name of the candidate on the official ballot if the statement is filed not less than 21 days before the day of the election.

(3) A vacancy on an official ballot under this section may be filled in the manner provided by law, but not by the name of the candidate.

[1971 c.749 s.21; 1973 c.744 s.21]

260.240[Repealed by 1967 c.630 s.5]

260.245 Withholding certificates of election for failure to file statements. No certificate of election shall be granted to any candidate until he has filed the statements referring to the election he is required to file under ORS 260.072, 260.092 and 260.122.

[1971 c.749 s.22; 1973 c.744 s.22]

260.250[Amended by 1971 c.749 s.41; renumbered 260.442]

260.255 Preservation of filed statements by filing officers; summary of statements; contents. (1) A filing officer shall preserve each statement filed with him under ORS 260.072 to 260.162, or an accurate copy thereof, for at least six years after the date of the election to which the statement refers.

(2) A filing officer shall publish a summary of the statements filed with him under paragraph (b) of subsection (1) of ORS 260.072 and ORS 260.092 to 260.162 for each election and shall make the summary available to the general public.

(3) The summary reports prepared and made available under subsection (2) of this section shall include a listing of all contributions of more than $100 on behalf of a candidate for state-wide office or for a state-wide measure, or more than $50 on behalf of a candidate for other than state-wide office or for a measure other than a state-wide measure, and a listing of all expenditures which total $100 or more to any one person.

[1971 c.749 s.23; 1973 c.744 s.23; 1975 c.683 s.12]

260.260[Repealed by 1971 c.749 s.82]

260.270[Amended by 1957 c.644 s.1; 1971 c.749 s.44; renumbered 260.462]

260.280[Amended by 1957 c.605 s.1; 1967 c.630 s.1; 1971 c.749 s.45; renumbered 260.472]

260.290[Repealed by 1957 c.644 s.28]

260.300[Amended by 1957 c.644 s.2; repealed by 1971 c.749 s.82]

ELECTION OFFENSES

260.305[Formerly 260.010; repealed by 1973 c.744 s.48]

260.310[Amended by 1971 c.749 s.47; renumbered 260.482]

(Administration and Enforcement)

260.315 Distribution of copies of law. (1) The Secretary of State, at the expense of the state, shall furnish to the county clerks and the city clerks, auditors and recorders copies of this chapter as a part of the election laws.

(2) The Secretary of State and each county clerk and city clerk, auditor or recorder shall cause copies of this chapter to be sent or delivered:

(a) To candidates and persons required to file statements with him under ORS 260.072 to 260.152 as far as such candidates or persons may be known to him.

(b) Upon the application of any other person required to file such a statement with him, to that person.

(3) Upon his own information, or upon the written request of any registered elector filed with him, the Secretary of State shall cause a copy of this chapter to be sent or delivered to any other person believed by him or averred to be a candidate or a person required to file a statement referred to in subsection (2) of this section.
[Formerly 260.030]

260.320[Amended by 1971 c.749 s.48; renumbered 260.492]

260.325 Secretary of State and county clerks to seek out evidence of violations. The Secretary of State and each county clerk shall diligently seek out any evidence of any violation of any provision of the election laws.
[Formerly 260.540]

260.330[Amended by 1957 c.644 s.3; repealed by 1971 c.749 s.82]

260.335[1967 c.618 ss.2, 3; 1971 c.749 s.50; renumbered 260.502]

260.340[Amended by 1957 c.644 s.5; 1971 c.749 s.51; renumbered 260.512]

260.345 Complaints or other information regarding violations; action by Secretary of State and Attorney General. (1) Any registered elector may file with the Secretary of State, or any filing officer a written complaint alleging that a violation of any provision of the election laws has occurred and setting forth his reasons for believing that such violation has occurred and any evidence pertaining thereto that he may have. A complaint alleging a violation involving the Secretary of State, a candidate for the office of Secretary of State or any political committee or person supporting the Secretary of State or a candidate for the office of Secretary of State may be filed with the Attorney General.

(2) If the complaint is filed with any person other than the Secretary of State, he shall immediately send such complaint to the Secretary of State together with any other information he has pertaining to the complaint. In any case in which the complaint concerns the Secretary of State, any candidate for the office of the Secretary of State or any political committee or person supporting the candidacy of the Secretary of State or of another person for the office of Secretary of State, the complaint and additional information shall instead be sent to the Attorney General.

(3) Upon receipt of a complaint under subsection (1) or (2) of this section the Secretary of State or Attorney General immediately shall cause such complaint to be examined for the purpose of determining whether a violation of any provision of the election laws has occurred and shall make any investigation of the facts which he considers necessary.

(4) If the Secretary of State believes after an investigation under subsection (3) of this section that a violation of any provision of the election laws has occurred, he immediately shall report his findings to the Attorney General and request him to take such steps as are necessary and available to prosecute such violation in the name of the state. If the violation involves the Attorney General, a candidate for that office or a political committee or person supporting or opposing the Attorney General or a candidate for that office, the Secretary of State shall appoint another prosecutor for that purpose.

(5) Upon receipt of a complaint or report under subsection (1), (2) or (4) of this section, the Attorney General or other prosecutor immediately shall cause such complaint or report to be examined for the purpose of determining whether a violation of any provision of the election laws has occurred. If he determines that a violation has occurred, he immediately shall take such steps as are necessary and available to prosecute such violation in the name of the state. For that purpose the Attorney General or other prosecutor shall have all the powers and prerogatives in any county of this state as the district attorney for such county.

(6) Any filing officer having reason to believe that any violation of the election laws has occurred, even if no complaint has been filed with or received by him, shall forthwith proceed in the same manner as though he had received a complaint.
[Formerly 260.105; 1973 c.744 s.24]

260.350[Repealed by 1971 c.749 s.82]

260.355 Deprivation of nomination or office for deliberate and material election violations. If, after a plea of guilty by or verdict of guilty against a person nominated

or elected to any public office in a criminal prosecution of the person for violation of any provision of the election laws in regard to either his nomination or election, the court determines that the violation was deliberate and material, the court, in addition to any other punishment it may impose, shall deprive the person of his nomination or, if he was elected, of his office. The vacancy shall be filled in the manner provided by law. A determination that the violation was or was not deliberate and material shall be made by the court upon the request of either party, or may be made by the court on its own motion. In making the determination the court may, in its discretion, hear evidence, by testimony in open court or, if authorized by the court, by deposition, at a specified time and upon notice to the parties as the court may direct.
[1971 c.749 s.30]

260.360[Amended by 1955 c.446 s.1; 1971 c.749 s.52; renumbered 260.522]

260.365 Election or appointment after deprivation of nomination or office for violations. (1) A person nominated or elected to public 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, serve in any office or vacancy in any office or position of trust, honor or emolument, whether elected or appointed thereto, 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.
[Formerly 260.470]

260.370[Repealed by 1971 c.749 s.82]

260.375 Court proceedings for election law violations, generally. Proceedings for violation of any provision of the election laws shall be advanced on the docket of the court upon request of any 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 discretion as a condition thereof. No petition shall be dismissed without the consent of the Attorney General, 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, advanced or produced by such person, or any evidence that is the direct result thereof, shall be offered or used against him in any civil or criminal prosecution, except in a prosecution for perjury committed in such testimony.
[Formerly 260.520]

260.380[Amended by 1967 c.83 s.1; 1971 c.749 s.54; renumbered 260.532]

260.390[Amended by 1957 c.644 s.6; repealed by 1971 c.749 s.82]

260.400[1965 c.489 s.1; repealed by 1971 c.749 s.82]

(Particular Offenses)

260.402 Payments in false name. 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 provides 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 provided. However, if the money is received from the treasurer of any political committee, it shall be sufficient to enter it as received from such treasurer.
[Formerly 260.210; 1973 c.744 s.25]

260.405[1967 c.593 s.2; 1971 c.749 s.55; renumbered 260.542]

260.410[Repealed by 1971 c.749 s.82]

260.412 Undue influence to affect registration, voting, candidacy; solicitation of money or other benefits. (1) No person, acting either alone or with or through any other person, shall directly or indirectly subject any person to undue influence with the intent to induce any person to:

(a) Register or vote;

(b) Refrain from registering or voting;

(c) Register or vote in any particular manner;

(d) Be or refrain from or cease being a candidate;

(e) Contribute or refrain from contributing to any candidate, political party or political committee;

(f) Render or refrain from rendering services to any candidate, political party or political committee; or

(g) Challenge or refrain from challenging a voter.

(2) As used in subsection (1) of this section, "undue influence" means force, violence, restraint or the threat thereof, inflicting injury, damage, harm, loss or the

threat thereof, fraud or giving or promising to give money, benefits or other thing of value.

(3) No person shall solicit money, benefits or other thing of value, or the promise thereof, as an inducement prohibited by subsection (1) of this section.

(4) This section shall not be construed to prohibit:

(a) The bona fide employment of persons to render services to candidates, political parties or political committees, if the compensation for such services performed during a period described in subsection (2) of ORS 260.072 is reported as an expense on the statements required to be filed under ORS 260.072 to 260.162;

(b) The public distribution by candidates, political parties or political committees of sample ballots or other items readily available to the public without charge, even though the distributor incurs costs in the distribution;

(c) Public or nonpromissory statements by or on behalf of a candidate of his intentions or purposes if elected;

(d) A promise by a candidate to employ any person as his administrative assistant, secretary or other direct personal aide;

(e) Free custody and care of minor children of persons during the time those persons are absent from those children for voting purposes; or

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

[1971 c.749 s.38; 1973 c.744 s.26]

260.420[Amended by 1971 c.749 s.43; renumbered 260.452]

260.422 Acceptance of employment where compensation to be contributed. No person shall accept employment with the understanding or agreement, express or implied, that he will contribute all or any part of the compensation to be received by him by reason of the employment to or on behalf of a candidate or political committee in support of the nomination or election of the candidate or in support of or in opposition to a measure.

[1971 c.749 s.39; 1973 c.744 s.27]

260.430[Amended by 1971 c.644 s.7; repealed by 1971 c.749 s.82]

260.432 Solicitation of public employes; activities of public employes during working hours. (1) No person shall attempt to coerce, command or require a public employe to influence or give money, service or other thing of value to aid or promote any political committee or to aid or promote the nomination or election of any person to public office.

(2) No public employe shall solicit any money, influence, service or other thing of value or otherwise aid or promote any political committee or the nomination or election of any person to public office while on the job during working hours. However, nothing in this section is intended to restrict the right of a public employe to express his personal political views.

(3) Each public employer shall have posted in a conspicuous place likely to be seen by its employes the following notice in printed or typewritten form:

ATTENTION ALL PUBLIC EMPLOYES:

The restrictions imposed by the law of the State of Oregon on your political activities are that "No public employe shall solicit any money, influence, service or other thing of value or otherwise aid or promote any political committee or the nomination or election of any person to public office while on the job during working hours. However, nothing in this section is intended to restrict the right of a public employe to express his personal political views."

It is therefore the policy of the state and of your public employer that you may engage in political activity except to the extent prohibited by state law when on the job during working hours.

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(4) For purposes of subsection (3) of this section "public employer" means the state and any of its agencies and institutions, and includes a city, county or other political subdivision.

[Formerly 260.231; 1973 c.53 s.1; 1973 c.744 s.27a]

260.440[Amended by 1971 c.644 s.8; repealed by 1971 c.749 s.82]

260.442 Transfer of convention credential for value. No person shall invite, offer or effect the transfer of any convention credential in return for payment of money or other thing of value.

[Formerly 260.250; 1973 c.744 s.28]

260.450[Repealed by 1957 c.644 s.28]

260.452 Payments for becoming or refraining from becoming candidate;

becoming candidate to defeat another. No person shall receive or pay money or other thing of value for becoming or refraining from becoming a candidate for nomination or election to public office, or by himself or in combination with any other person 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.
[Formerly 260.420; 1973 c.744 s.29]

260.460[Repealed by 1957 c.644 s.28]

260.462 Payments for putting names on nomination papers or performance of political committee duties. 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.
[Formerly 260.270; 1973 c.744 s.30]

260.470[Amended by 1957 c.644 s.9; 1971 c.749 s.34; renumbered 260.365]

260.472 Payments by or solicitation of certain businesses. (1) As used in this section, "corporation or company" means:

(a) Any 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.

(b) Any company engaged in business as a common carrier of freight or passengers by railroad, motor truck, motor bus, airplane or watercraft.

(c) Any company having the right to take or condemn land or to exercise franchises in public ways granted by the state or any county or city.

(2) No corporation or company 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 political committee supporting or opposing any person as a candidate. No person shall solicit or receive such payment or contribution from such corporation or company.

(3) This section does not prohibit any voluntary activity for or against any candidate undertaken by an officer or employe of a corporation or company on his own behalf that is:

(a) Casual and occasional and occurs during business hours; or

(b) More than casual and occasional but occurs on the officer's or employe's own time.
[Formerly 260.280; 1973 c.744 s.31]

260.480[Amended by 1957 c.644 s.11; repealed by 1971 c.749 s.82]

260.482 Bets and wagers on election results. (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. No candidate shall provide money or other thing of value to be used by any person in betting or wagering upon the results of any pending 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) Violation of subsection (2) of this section shall be a ground of challenge against the violator's right to vote, in addition to any other remedy, civil or criminal, provided by law.
[Formerly 260.310; 1973 c.744 s.32]

260.490[Amended by 1959 c.644 s.12; repealed by 1971 c.749 s.82]

260.492 Obtaining ballot under false name; voting more than once. 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.
[Formerly 260.320; 1973 c.744 s.33]

260.500[Amended by 1957 c.644 s.13; 1971 c.749 s.56; renumbered 260.552]

260.502[Formerly 260.335; repealed by 1973 c.744 s.48]

260.510[Amended by 1957 c.644 s.14; repealed by 1971 c.749 s.82]

260.512 Purchase of advertising or payment for editorial advocacy or opposition prohibited. No person shall purchase or arrange for the purchase of any advertising from, or pay the owner, editor, manager, publisher or agent of any newspaper or other periodical or of any radio or television station, 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, manager, publisher or agent shall solicit or receive such payment or purchase of advertising.
[Formerly 260.340; 1973 c.744 s.34]

260.520[Amended by 1957 c.644 s.15; 1971 c.749 s.35; renumbered 260.375]

260.522 Identification of source of political publications. (1) No person shall print, publish, post, broadcast or circulate or cause to be printed, published, posted, broadcast or circulated through the mails or otherwise any letter, circular, bill, placard, poster, advertisement or other publication or broadcast relating to any election or to any candidate or measure at any election, unless it includes the name and address of the publisher thereof. Any publication made by the candidate or his principal campaign committee need not include the address of the publisher.

(2) In the case of copies of any such item listed in subsection (1) of this section which has been previously published, that material will be clearly identified as to the source and date of publication.

(3) "Address" for purposes of this section means the address of a residence, office, headquarters or similar location where the publisher or, if the publisher is a committee, a responsible officer thereof, may be conveniently reached. However, a different address may be used if the candidate, publisher or a responsible officer first files with the Secretary of State his residence address and the address proposed to be used.

(4) Any identification of the publisher of a broadcast political advertisement or publication which complies with requirements of the Federal Communications Act and regulations thereunder shall be considered in compliance with subsection (1) of this section.
[Formerly 260.360; 1973 c.483 s.1; 1973 c.744 s.35; 1975 c.683 s.13]

260.530[Repealed by 1957 c.644 s.28]

260.532 False publications relating to candidates or measures. (1) No person shall write, print, publish, post, communicate or circulate, or cause to be written, printed, published, posted, communicated or circulated, any letter, circular, bill, placard, poster or other publication or communication, or cause any 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, communication, publication or advertisement to contain any false statement of material fact relating to any candidate or political committee, or if he is candidate, to himself, or any false statement of material fact relating to any measure.

(2) A candidate for public office who knows of and consents to a publication or communication prohibited by subsection (1) of this section concerning himself or concerning any other candidate for the same office, knowing that it contains a false statement of material fact, is guilty of a violation of subsection (1) of this section whether or not he has participated in the publication or communication.

(3) There is a rebuttable presumption that a candidate for public office knows of and has authorized any publication or communication prohibited by subsection (1) of this section, by a political committee which supports his candidacy and through which any contributions by or to the candidate are made or over which the candidate exercises any direction and control. It is rebuttably presumed that a candidate for public office knows of and has authorized any publication or communication prohibited by subsection (1) of this section, by any other person or political committee, concerning the candidate or any other candidate for the same office.

(4) Any candidate or political committee aggrieved by a violation of subsection (1) of this section shall have a right of action against the person or persons alleged to have committed the violation. The aggrieved party may file the action in the circuit court for any county in this state in which a defendant resides or can be found or, if the defendant is a nonresident of this state, in the circuit court for any county in which the publication occurred.

(5) Except as provided in subsection (6) of this section, a plaintiff who prevails in an action provided by subsection (4) of this section shall recover punitive damages and attorney fees and may also recover general damages if any have been suffered, but proof of general damages is not required for recovery of punitive damages and attorney fees. Any prevailing party may be awarded reasonable attorney fees.

(6) A political committee has standing to bring an action provided by subsection (4) of this section as plaintiff in its own name, if its purpose as evidenced by its preelection activities, solicitations and publications has been injured by the violation and if it has fully complied with all provisions of this chapter, but a political committee may not

be sued as defendant in such an action. If a plaintiff political committee prevails in such an action its recovery of punitive damages shall not exceed the amount of contributions received by it during the period beginning 250 days before (but not earlier than the day of any preceding primary election) and ending on the day of the election relating to which the violation occurred, to the extent those contributions can be identified as having been received for the purpose injured. Such recovery shall be distributed pro rata among the persons making such contributions.

(7) If a judgment is rendered in an action under this section against a defendant who has been nominated or elected to public office, such defendant shall be deprived of the nomination or election and the nomination or office shall be declared vacant.

(8) An action under this section must be filed not later than 60 days after the election relating to which a publication in violation of subsection (1) of this section was made.

[Formerly 260.380; 1973 c.744 s.36; 1975 c.683 s.14]

260.540[1957 c.644 s.10; 1971 c.749 s.27; renumbered 260.325]

260.542 Use of term "reelect". No candidate, political committee or other person shall use the term "reelect" in any material, statement or publication supporting the election of a candidate for office unless the candidate:

(1) Was elected to the identical office with the same position number, if any, in the most recent election to fill that office; and

(2) Was elected from the same district from which he is seeking election or, if district boundaries have been changed since the previous election, if the majority of the population in the district from which he is seeking election was in the district from which he was previously elected; and

(3) Is serving and has served continuously in that office from the beginning of the term to which he was elected.

[Formerly 260.405; 1973 c.744 s.37]

260.552 False oaths or affidavits. No person shall knowingly make any false oath or affidavit where an oath or affidavit is required by any provision of the election laws.

[Formerly 260.500; 1973 c.744 s.38]

260.610 Registration violations. No person shall wilfully or fraudulently 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.

[Amended by 1957 c.644 s.16; 1971 c.749 s.57; 1973 c.744 s.39]

260.620[Repealed by 1957 c.644 s.28]

260.630 Preparation and communication of election results. (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.

[Amended by 1957 c.644 s.17; 1971 c.749 s.58; 1973 c.744 s.40]

260.640 Voting and ballot violations; interference with or influencing voters. (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.

[Amended by 1957 c.644 s.18; 1959 c.358 s.1; 1971 c.749 s.59; 1973 c.744 s.41]

260.650 Disclosing votes; electioneering at or near polls; voting and ballot

violations. (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 on election day:

(a) Within any polling place, wear any political badge, button or other insignia;

(b) Within any polling place, within any building in which a polling place is located or within 100 feet measured radially from any entrance to a building in which a polling place is located, do any electioneering, including circulating any cards or handbills, soliciting signatures to any petition or electioneering by public address system located more than 100 feet from any entrance to such building but capable of being heard and understood within 100 feet of such building entrance whether or not such electioneering relates to the particular election being conducted; or

(c) Obstruct free ingress to or egress from any polling place or building in which a polling place is located.

(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.

[Amended by 1957 c.644 s.19; 1971 c.749 s.60; 1973 c.744 s.42]

260.660 Altering or destroying ballots; false ballots; stealing or delaying ballots or returns. (1) No person shall wilfully or fraudulently 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 fradulent 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.

[Amended by 1957 c.644 s.20; 1971 c.749 s.61; 1973 c.744 s.43]

260.670 Injuring, removing or destroying posted notices, papers or election supplies. 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.

[Amended by 1957 c.644 s.21; 1971 c.749 s.62; 1973 c.744 s.44]

260.680[Repealed by 1971 c.749 s.82]

260.690[Repealed by 1971 c.749 s.82]

260.700[Amended by 1957 c.644 s.22; repealed by 1971 c.749 s.82]

260.710 Voting or offering to vote by persons not entitled to vote. No person shall vote, or offer to vote, at any election in this state, knowing he is not entitled to vote

thereat, nor vote, or offer to vote, at any polling place or in any precinct at any such election, knowing he is not entitled to vote at such polling place or in such precinct.
[Amended by 1971 c.749 s.66; 1973 c.744 s.45]

260.720[Repealed by 1971 c.749 s.82]

260.730[Amended by 1957 c.644 s.23; repealed by 1971 c.749 s.82]

260.740[Repealed by 1957 c.644 s.28]

260.750[Amended by 1957 c.644 s.24; repealed by 1971 c.749 s.82]

260.760[Amended by 1957 c.644 s.25; repealed by 1971 c.749 s.82]

260.770[Repealed by 1971 c.749 s.82]

260.780[Amended by 1957 c.644 s.26; repealed by 1971 c.743 s.432 and by 1971 c.749 s.83]

260.790[Repealed by 1971 c.743 s.432 and by 1971 c.749 s.83]

260.800[Repealed by 1957 c.644 s.28]

260.810[Repealed by 1957 c.644 s.28]

260.820[Repealed by 1971 c.749 s.82]

PENALTIES

260.990[1971 c.749 ss.24, 74; repealed by 1973 c.744 s.46 (260.991 enacted in lieu of 260.990)]

260.991 General penalties. (1) Except as provided in subsections (2) and (3) of this section, violation of any provisions of ORS chapter 260 is a Class A misdemeanor.

(2) Violation of ORS 260.492, 260.552, 260.610 or 260.660 is a Class C felony.

(3) The penalty for violation of ORS 260.532 is limited to that provided for in subsections (5) and (7) of ORS 260.532.

(4) Violation of any provision of law contained in the Oregon Revised Statutes relating to the conduct of any election or to nominations, petitions, filing or any other matter preliminary to or relating to an election, for which no penalty is otherwise provided by law, is a Class A misdemeanor.
[1973 c.744 s.47 (enacted in lieu of 260.990)]

260.992 Penalty for violation of expenditure limitation. Violation of any provision of ORS 260.027 is a Class A misdemeanor punishable as provided for in subsection (1) of ORS 260.991.
[1973 c.623 s.6]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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,
October 1, 1975.

Thomas G. Clifford
Legislative Counsel