STATUTES AND CONSTITUTION RELATING TO ELECTIONS IN THE STATE OF OREGON, 1913; COMPILED FROM LORD'S OREGON LAWS AND THE SESSION LAWS OF 1911 AND 1913

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BEN W. OLCOTT

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STATUTES AND CONSTITUTION

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IN THE

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1913

COMPILED FROM

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ALSO

Such Provisions of the Constitution of Oregon, and Such Statutes of the United States, as Pertain to Elections in This State

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Compiled by
BEN W. OLCOTT
Secretary of State

SALEM, OREGON
WILLIS S. DUNIWAY, STATE PRINTER
1913

LAW AUTHORIZING THIS COMPILATION.

§ 3413. Election Laws to Be Compiled and Supplies Furnished by Secretary of State.

It shall be the duty of the Secretary of State, not less than six months before every biennial election in this State, to compile the election laws of the State and index the same and cause a sufficient number thereof to be printed in appropriate pamphlet form for the convenience of the electors of the State. He shall at the same time and in the same manner cause to be printed a sufficient number of copies of such of the provisions of the laws pertaining to elections and relating to and regulating the duties of election boards as are necessary for the use of such boards at the several elections; also suitable poll books, required by and in accordance with Section 3324; also tally sheets, required by and in accordance with Section 3326; also register of nominations books, required by Section 3341; also receipts, required by and in accordance with Section 3400; needles for stringing ballots and stubs, as required by Sections 3325 and 3409, and indelible copying pencils, suitable for canceling the names of candidates not voted for, as required by Section 3404; and he shall forthwith proceed and distribute the same to the several county clerks in the State in appropriate quantities. The bills for furnishing said pamphlet copies of the election laws, for ruling, printing and binding such poll books, blanks, receipts, register of nominations, and tally sheets, and procuring said needles and pencils, and for preparing and delivering the same, as required by this act, shall be audited by the Secretary of State and paid out of any moneys in the treasury not otherwise appropriated. [L. 1913, Chap. 329, p. 644.]

NOTE.—This compilation of the statutes of this State relating to elections and the registration of voters contains only such statutes as relate to or in any manner affect the duties and authority of judges and clerks of election, and other officers directly connected therewith. Those statutes which are purely local in their application are mostly omitted from this compilation and for such information reference should be made to Lord's Oregon Laws, and the Session Laws of 1911 and 1913.

CONSTITUTIONAL PROVISIONS RELATING TO ELECTIONS

PROVISIONS OF CONSTITUTION OF THE UNITED STATES RELATING TO ELECTIONS.

ARTICLE I.

§ 4. Election of Senators and Representatives—Sessions of Congress.

The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof; but the congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

The congress shall assemble at least once in each year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

ARTICLE II.

§ 1. Executive Power—Electors of President and Vice-President.

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

The balance of this section omitted, as it defines the qualifications of President, salary, etc.

ARTICLE XIV.

§ 1. Citizenship, and Rights Thereof.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United

States and of the State wherein they reside. No State shall make or enforce any laws which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

ARTICLE XV.

§ 1. Right to Vote.

The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

ARTICLE XVII.

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies; *provided*, that the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

Adopted in lieu of the first paragraph of Section 3 of Article I, and also so much of paragraph two of the same section as relates to the filling of vacancies.

PROVISIONS OF CONSTITUTION OF OREGON RELATING TO ELECTIONS.

ARTICLE I.

BILL OF RIGHTS.

§ 18. Private Property Taken for Public Uses.

Private property shall not be taken for public use, nor the particular services of any man be demanded, without just compensation; nor, except in case of the State, without such compensation first assessed and tendered.

§ 20. Exclusive Privileges.

No law shall be passed granting to any citizen or class of citizens privileges or immunities which, upon the same terms, shall not equally belong to all citizens.

§ 26. Assemblages of the People.

No law shall be passed restraining any of the inhabitants of the State from assembling together in a peaceable manner to consult for their common good; nor from instructing their representatives; nor from applying to the legislature for redress of grievances.

ARTICLE II.

SUFFRAGE AND ELECTIONS.

§ 1. Elections Free.

All elections shall be free and equal.

The Lockwood law, providing a method for holding primary elections for the selection of delegates to nominating conventions, imposes no restraint upon electors and does not deny them their proper influence and is not in conflict with this section: *Ladd* v. *Holmes*, 40 Or. 167, 66 Pac. 714.

To be "free" means that the voter shall be left to the untrammeled exercise, whether by civil or military authority, of his right or privilege; that is to say, no impediment or restraint of any character shall be imposed upon him, either directly or indirectly whereby he shall be hindered or prevented from participation at the polls. The word "equal" has a different signification; every elector has the right to have his vote counted for all it is worth in proportion to the whole number of qualified electors desiring to exercise their privilege; so that the terms free and equal, used as they are correlatively, signify, not only that the election shall be open and untrammeled to all persons endowed with the elective franchise, but shall be closed to all not in the enjoyment of such privilege: *Ladd* v. *Holmes*, 40 Or. 167, 66 Pac. 714.

§ 2. Qualifications of Electors.

In all elections not otherwise provided for by this Constitution, every citizen of the United States, of the age of twenty-