

# OREGON 2024 LAW ENFORCEMENT QUICK REFERENCE GUIDE

This pocket reference guide contains key law enforcement provisions found within the Oregon Revised Statutes. These excerpts include provisions that are most relevant to unlawful acts near or involving elections activity; omissions of other material are noted with "\*\*\*\*."

- Directly or indirectly subjecting a person to threat, violence, or harm with intent to influence their vote is a felony.
- Intentionally obstructing or impairing the administration of a governmental function by intimidation, force, or other interference is a misdemeanor.
- Obstructing the entrance of any building where ballots are issued or place designated for deposit of ballots, or any voting booth is unlawful.

## VOTING HOURS

To learn your local election office hours, visit [oregonvotes.gov/counties](https://oregonvotes.gov/counties)

## 2024 ELECTION DATES

**Primary Election:** May 21, 2024

**General Election:** November 5

**For other election dates:**  
[sos.oregon.gov/current-elections](https://sos.oregon.gov/current-elections)

## REPORT SUSPICIOUS BEHAVIOR TO

**Your local election official:**  
[oregonvotes.gov/counties](https://oregonvotes.gov/counties)

**Oregon Secretary of State:**  
(866) 673-VOTE  
[elections.sos@sos.oregon.gov](mailto:elections.sos@sos.oregon.gov)

## ELECTION COMPLAINTS

[sos.oregon.gov/investigation](https://sos.oregon.gov/investigation)

*The Secretary of State Election Division is responsible for enforcing election law and rules. If you believe a violation of Oregon election law has occurred, you should file a report. Please note lack of evidence may result in denial of your request for investigation.*



## About this Guide:

This guide was created to provide local law enforcement officers with a general understanding of state election laws that contain criminal penalties for violations, recognizing that these statutes are not typically taught in police academies. Additionally, election law is not included in the Oregon Department of Public Safety Standards and Training (DPSST).

This short guide is not intended to provide a complete and comprehensive review of all Oregon election laws, but instead highlight potential violations that may be reported to local law enforcement. The role of local police and sheriff's offices is typically related to public safety, interference with elections, election facilities, and elections officials. Keep in mind, minor violations (campaign finance violations) are often handled directly by election officials without involvement of law enforcement. Reports of election fraud can be and are often reported by election officials directly to the Attorney General. Keep in mind when responding to reports of election law violations that all criminal statutes still apply and should be considered by investigating officers.

By establishing an open dialogue with election officials prior to commencing the election process, local law enforcement serves to be partners in assuring that Oregonians can have safe and secure elections.

## Undue influence to affect registration, voting, candidacy, signing petitions

ORS § 260.665

(1) As used in this section, "undue influence" means force, violence, restraint or the threat of it, inflicting injury, damage, harm, loss of employment or other loss or the threat of it, or giving or promising to give money, employment or other thing of value.

(2) A person, acting either alone or with or through any other

person, may not 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;
  - (g) Challenge or refrain from challenging a person offering to vote;
  - (h) Apply or refrain from applying for a ballot as an absent elector; or
  - (i) Sign or refrain from signing a prospective petition or an initiative, referendum, recall or candidate nominating petition.
- (3) A person may not solicit or accept money or other thing of value as an inducement to act as prohibited by subsection (2) of this section.

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*Any person who violates this section is guilty of a Class C felony pursuant to ORS §260.993 and may be subject to other penalties pursuant to ORS §260.995.*

## **Obstructing governmental or judicial administration**

ORS § 162.235

- (1) A person commits the crime of obstructing governmental or judicial administration if the person:
- (a) Intentionally obstructs, impairs or hinders the administration of law or other governmental or judicial

function by means of intimidation, force, physical or economic interference or obstacle;

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(2) This section shall not apply to the obstruction of unlawful governmental or judicial action or interference with the making of an arrest.

(3) Obstructing governmental or judicial administration is a Class A misdemeanor.

## Prohibitions relating to voting

ORS § 260.695

*ORS 260.695(3) prohibits electioneering near an election office at certain times. However, the Oregon Supreme Court has held that the right to free speech in Article I, Section 8, of the Oregon Constitution protects the wearing of badges, buttons, or other political insignia at polling places. Therefore, Oregon Attorney General Opinion 8292 concluded that "electioneering" should not be construed to prohibit wearing such items. ORS 260.695(3) does not define "electioneering," but AG Opinion 8292 also concluded that the statute's ban on electioneering with regard to campaigning near election offices may violate the Oregon Constitution's right to free speech.*

*While the AG opinion suggests that county elections officials should not regulate electioneering in the manner described in ORS 260.695(3), county elections officials always retain the ability to address disorderly, threatening, or obstructive conduct in or around elections offices under other parts of ORS 260.695. [see below]*

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(4) A person may not obstruct an entrance of a building in which ballots are issued or a place designated for the deposit of ballots under ORS 254.470 or any voting booth maintained under ORS 254.474 is located. This subsection applies during the period beginning on the date that ballots are mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m.

or when all persons waiting in line at the building or location who began the act of voting as described in ORS 254.470 (12) by 8 p.m. have finished voting.

(5) A person may not vote or offer to vote in any election knowing the person is not entitled to vote.

(6) A person may not make a false statement about the person's inability to mark a ballot.

(7) A person, except an elections official in performance of duties or another person providing assistance to an elector as described in ORS 254.445, may not ask a person at any place designated for the deposit of ballots under ORS 254.470 or at any location described in ORS 254.472 or 254.474 for whom that person intends to vote, or examine or attempt to examine the person's ballot.

(8) An elections official, other than in the performance of duties, may not disclose to any person any information by which it can be ascertained for whom any elector has voted.

(9) A person, except an elections official in performance of duties, may not do anything to a ballot to permit identification of the person who voted.

(10) An elector may not willfully leave at any place designated for the deposit of ballots under ORS 254.470 or at any location described in ORS 254.472 or 254.474 anything that will show how the elector's ballot was marked.

(11) A person, except an elections official in performance of duties, may not remove a ballot from any place designated for the deposit of ballots under ORS 254.470 or any location described in ORS 254.472 or 254.474.

(12) A person, except an elections official in performance of duties or a person authorized by that official, may not willfully deface, remove, alter or destroy a posted election notice.

(13) A person, except an elections official in performance of

duties, may not willfully remove, alter or destroy election equipment or supplies, or break the seal or open any sealed package containing election supplies.

(14) A person, except an elections official in performance of duties, may not provide elections advice or attempt to collect voted ballots within any building in which any state or local government elections office designated for the deposit of ballots under ORS 254.470 is located, or within 100 feet measured radially from any entrance to the building.

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### **Possession of firearm or dangerous weapon in public building**

ORS § 166.370

(1)(a) Any person who intentionally possesses a loaded or unloaded firearm or any other instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be guilty of a Class C felony.

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[Exceptions to this section include: police or reserve officers; authorized parole and probation officers; federal, certified reserve, or corrections officers while acting within the scope of employment; persons summoned by an officer to preserve the peace or assist; honorably retired law enforcement officers; members of the state or federal military forces while in performance of duty; and persons authorized by the public building to possess a weapon in that building.]

### **Illegal acts relating to voting machines or vote tally systems**

ORS § 260.645

(1) No person shall:

(a) Tamper with or injure or attempt to injure any voting machine or vote tally system to be used or being used in an election.

(b) Tamper with any voting machine or vote tally system that has been used in an election except in performance of election duties.

(c) Prevent or attempt to prevent the correct operation of any voting machine or vote tally system.

(2) An unauthorized person shall not make or possess a key to a voting machine or vote tally system to be used or being used in an election.

(3) Neither the Secretary of State nor any officer or employee of any county, city or district using a voting machine or vote tally system, shall solicit or accept any compensation, other than amounts paid by the governmental unit, in connection with the sale, lease or use of the voting machine or vote tally system.

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*Any person who violates this section is guilty of a Class C felony pursuant to ORS §260.993 and may be subject to other penalties pursuant to ORS §260.995.*

## **Disorderly conduct in the second degree**

ORS § 166.025

(1) A person commits the crime of disorderly conduct in the second degree if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, the person:

(a) Engages in fighting or in violent, tumultuous or threatening behavior;

(b) Makes unreasonable noise;

(c) Disturbs any lawful assembly of persons without lawful authority;

(d) Obstructs vehicular or pedestrian traffic on a public way;

(e) Initiates or circulates a report, knowing it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe or other emergency; or

(f) Creates a hazardous or physically offensive condition by any act which the person is not licensed or privileged to do.

(2) (a) Disorderly conduct in the second degree is a Class B misdemeanor.

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## **Prohibited conduct**

ORS § 260.715

(1) A person may not knowingly make a false statement, oath or affidavit when a statement, oath or affidavit is required under the election laws.

(2) A person may not request a ballot in a name other than the person's own name.

(3) A person may not vote or attempt to vote more than once at any election held on the same date.

(4) A person may not vote or attempt to vote both in an election held in this state and in another state on the same date.

(5) A person, except an elections official in performance of duties, may not willfully alter or destroy a ballot cast at an election or the returns of an election.

(6) A person may not willfully place a fraudulent ballot among the genuine ballots.

(7) A person may not falsely write anything purporting to be written by an elections official in performance of duties on the ballot.

(8) A person may not commit theft of a ballot or tally or return sheet, or willfully hinder or delay the delivery of the tally or return sheet to the county clerk, or fraudulently break open a sealed tally or return sheet of the election.

(9)(a) A person may not:

(A) Manufacture or knowingly use a fraudulent ballot return identification envelope or secrecy envelope; or



(B) Sell, make an offer with the actual intent to sell, purchase or make an offer with the actual intent to purchase, for money or other valuable consideration, any official ballot, replacement ballot, ballot return identification envelope or secrecy envelope.

(b) As used in this subsection, "ballot return identification envelope" and "secrecy envelope" mean those envelopes used to return ballots to the county clerk.

*Any person who violates this section is guilty of a Class C felony pursuant to ORS §260.993 and may be subject to other penalties pursuant to ORS §260.995.*

## Harassment

ORS § 166.065

(1) A person commits the crime of harassment if the person intentionally:

(a) Harasses or annoys another person by:

(A) Subjecting such other person to offensive physical contact; or

(B) Publicly insulting such other person by abusive words or gestures in a manner intended and likely to provoke a violent response;

(b) Subjects another to alarm by conveying a false report, known by the conveyor to be false, concerning death or serious physical injury to a person, which report reasonably would be expected to cause alarm; or

(c) Subjects another to alarm by conveying a telephonic, electronic or written threat to inflict serious physical injury on that person or to commit a felony involving the person or property of that person or any member of that person's family, which threat reasonably would be expected to cause alarm.

(2)(a) A person is criminally liable for harassment if the person

knowingly permits any telephone or electronic device under the person's control to be used in violation of subsection (1) of this section.

(b) Harassment that is committed under the circumstances described in subsection (1)(c) of this section is committed in either the county in which the communication originated or the county in which the communication was received.

(3) Harassment is a Class B misdemeanor.

(4) Notwithstanding subsection (3) of this section, harassment is a Class A misdemeanor if a person violates:

(b) Subsection (1)(c) of this section and:

(D)(i) The person conveyed a threat to kill the other person or any member of the family of the other person;

(ii) The person expressed the intent to carry out the threat; and

(iii) A reasonable person would believe that the threat was likely to be followed by action.

(c) Subsection (1)(a)(A), (b) or (c) of this section by committing the crime of harassment against:

(A) An election worker who is performing the election worker's official duties at the time the harassment occurs; or

(B) An election worker because of an action taken or decision made by the election worker during the performance of the election worker's official duties.

(5) The Oregon Criminal Justice Commission shall classify harassment as described in subsection (4)(a)(B) of this section as a person Class A misdemeanor under the rules of the commission.

(6)(a) As used in this section:

(A) "Election worker" has the meaning given that term in ORS 247.965.

(B) "Electronic threat" means a threat conveyed by electronic mail, the Internet, a telephone text message or any other transmission of information by wire, radio, optical cable, cellular system, electromagnetic system or other similar means.

(C) "Family or household member" has the meaning given that term in ORS 135.230.

(b) For purposes of subsection (4) of this section, an offense is witnessed if the offense is seen or directly perceived in any other manner by the minor child.

## **Paramilitary Activity**

OR House Bill 2572 (2023)

(1) A person or group of persons is subject to an action described in subsection (2) or (3) of this section for engaging in paramilitary activity if the person or group of persons knowingly, while acting as part of a private paramilitary organization or on behalf of or in furtherance of any objective of a private paramilitary organization:

(a) While armed with a deadly weapon, publicly patrols or drills;

(b) While armed with a dangerous or deadly weapon:

(A) Publicly engages in techniques capable of causing physical injury or death;

(B) Substantially disrupts governmental operations or a government proceeding;

(C) Assumes, exercises or asserts, without legal authorization, the functions, powers or duties of:

(i) A law enforcement officer, including any sheriff, police officer, marshal or other peace officer; or

(ii) Any local, city, county, state or federal official; or

(D) Interferes with another person and thereby:

(i) Prevents the other person, or attempts to prevent the other person, from engaging in conduct in which the other person has a legal right to engage; or

(ii) Causes the other person, or attempts to cause the other person, to engage in conduct from which the other person has a legal right to abstain; or

(c) Trains to engage in any activity described in paragraphs (a) or (b) of this subsection.

(2)(a) If the Attorney General has reasonable cause to believe that a person or group of persons has engaged in, or is about to engage in, paramilitary activity as described in subsection (1) of this section, the Attorney General may bring a civil action in the name of the State of Oregon for injunctive relief in Marion County Circuit Court or any other circuit court of this state.

(b)(A) If it appears to the Attorney General that a person has possession, custody or control of any information, document or other material that is relevant to an investigation of paramilitary activity as described in subsection (1) of this section, or that could lead to the discovery of relevant information in an investigation of paramilitary activity as described in subsection (1) of this section, the Attorney General may cause an investigative demand to be served upon the person. \*\*\*

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(3)(a) A person injured as a result of paramilitary activity as described in subsection (1) of this section may bring a civil action, individually or jointly with other aggrieved persons, in the appropriate court for relief against the person or persons who engaged in the paramilitary activity.

*Subsection (4) of this statute includes exceptions for state or federal military and law enforcement, historical reenactors, and various educational activities involving firearms.*