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General Statutes of the State of Texas

PENAL CODE.

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by law be brought before such officer in his official capacity, he shall be punished by confinement in the Penitentiary, for a term not less than two nor more than five years.

ART. 251. Any legislative, executive, or judicial officer, who shall accept a bribe under an agreement, or with an understanding that his act, vote, opinion, or judgment, shall be done or given in any particular manner, or upon a particular side of any question, cause or proceeding, which is or may thereafter by law be brought before him, or that he shall make any particular nomination or appointment, shall be punished by confinement in the Penitentiary not less than two nor more than ten years. Accepting bribe by.

ART. 252. Under the name of executive, legislative and judicial officers, are included the Governor, Lieutenant Governor, Comptroller, Auditor, State Treasurer, Commissioner of the General Land Office, Members of the Legislature, Judges of the Supreme and District Courts, Attorney General, District Attorneys, Chief Justices of the County Courts, Justices of the Peace, Mayors and Judges of such City Courts as may be organized by law. Act of Aug. 28, 1856. What officers are included.

ART. 253. If any person shall bribe, or offer to bribe, any clerk or other officer of either branch of the legislature, or any clerk or secretary in any department of the State Government, with the intent to influence such officer to make any false entry in any book or record pertaining to his office, or to mutilate or destroy any part of such book or record, or to violate any other duty imposed upon him as an officer, he shall be punished by confinement in the Penitentiary a term not less than two nor more than five years. Act of Feb. 12, 1858. Bribery of legislative officer or any clerk.

ART. 254. If any officer named in the preceding article shall accept a bribe so offered, he shall be punished by confinement in the Penitentiary not less than two nor more than five years. Penalty for accepting bribe.

ART. 255. By a "bribe," as used in this Title, and throughout this Code, is meant any gift, advantage or emolument, bestowed for the purpose of inducing an officer or other person to do a particular act in violation of his duty, or as an inducement to favor, or in some manner aid the person offering the same, or some other person in a manner forbidden by law. Act of Aug. 28, 1856. Bribe defined.

ART. 256. The gift, advantage or emolument need not be direct; it may be hidden under the semblance of a sale, wager, payment of a debt, or in any other manner designed to cover the true intention of the parties. The offer or gift of the bribe must precede the act which it is intended to induce the person bribed to perform. Gift, &c., need not be direct.

TITLE VIII.

OF OFFENCES AFFECTING THE RIGHT OF SUFFRAGE.

CHAPTER I.

BRIBERY AND UNLAWFUL INFLUENCE.

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ART. 257. If any person shall bribe, or offer to bribe, any elector, for the purpose of influencing his vote at any public election, he shall be punished by fine, not exceeding five hundred dollars. Act of Aug. 28, 1856. Bribery of elector.

ART. 258. If any elector shall accept a bribe offered as set forth in the preceding article, he shall be punished in like manner as is provided with respect to the person offering the bribe. Voter accepting bribe.

**Bribery of officer of election.** ART. 259. If any person shall bribe, or offer to bribe, any manager, judge, or clerk of a public election, or any officer attending the same, as a consideration for some act done or omitted to be done, or to be done or omitted contrary to his official duty in relation to such election, he shall be punished, by fine, not exceeding five hundred dollars.

**Officer of election accepting bribe.** ART. 260. If any manager, judge or clerk of an election, or officer attending thereon, shall accept a bribe offered as set forth in the preceding article, he shall be punished in the same manner as is provided in reference to the persons offering the bribe.

**Bribing person to influence voters.** ART. 261. If any one shall offer or give a bribe to any person whatever, for the purpose of inducing him to persuade, or by means not amounting to bribery, to procure persons to vote at any public election, for or against any particular candidate, the person so giving or offering, and the person so accepting, shall be punished by fine, not exceeding two hundred dollars.

**Furnishing money to be used in.** ART. 262. If any person shall furnish money to another, to be used for the purpose of promoting the success or defeat of any particular candidate, or of any particular question submitted to a vote of the people, he shall be punished by fine, not exceeding two hundred dollars.

**Attempting to influence voter by violence or threats.** ART. 263. If any person shall procure, or endeavor to procure, the vote of any elector, or the influence of any person over other electors, by means of violence, or by threats of violence, or of any injury to the person or property of such elector or person threatened, he shall be punished by fine, not exceeding five hundred dollars.

CHAPTER II.

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**Act of Aug. 28, 1856.** ART. 264. If any Manager, Judge or Clerk of an election, shall knowingly make or consent to any false entry on the list of voters, or put into the ballot box, or permit to be put in, any ballot not given by a voter, or take out of such box, or permit to be taken out, any ballot deposited therein, except in the manner prescribed by law, or change any ballot given by an elector, or make any false return as to the number of votes given for or against any particular candidate, the person so offending shall be punished by fine, not less than one hundred dollars nor more than one thousand dollars.

**Officer opening ballot, &c.** ART. 265. Any Judge, Clerk or Manager of an election, who without the consent of an elector, shall open and read, or permit to be opened and read, any ballot offered by such elector, except in counting the votes given, as provided by law, shall be punished by fine, not exceeding one hundred dollars.

**Officer refusing corruptly to receive vote.** ART. 266. If any Manager or Judge of an election, shall corruptly refuse to receive the vote of any qualified elector, who shows by his own oath, that he is entitled to vote, when his vote is objected to, such Manager or Judge shall be punished by fine, not exceeding two hundred dollars.

**Attempting to influence vote, &c.** ART. 267. Any Manager, Judge or Clerk of an election, who shall, while discharging his duties as such, attempt to influence the vote of an elector, for

34TH CONGRESS,  
3d Session.

HOUSE OF REPRESENTATIVES.

REPORT  
No. 243.

ALLEGED CORRUPT COMBINATIONS OF MEMBERS OF  
CONGRESS.

REPORTS

SUBMITTED BY

THE SELECT COMMITTEE

APPOINTED

TO INVESTIGATE CERTAIN ALLEGED CORRUPT COMBINATIONS OF  
MEMBERS OF CONGRESS.

FEBRUARY 19, 1857.—Ordered that their further consideration be postponed until Wednesday, the 25th of February next, and that the reports, with the evidence, be printed.

MARCH 3, 1857.—Ordered, That there be printed, for the use of the House of Representatives, 10,000 copies of the report of the committee appointed to investigate alleged corrupt combinations on the part of members of Congress; and that there also be printed, as accompaniments to the same, the statements and answers of the parties implicated, filed since the submission of said report.

1. Report in the case of William A. Gilbert, a member from the State of New York.
2. Report in the case of William W. Welch, a member from the State of Connecticut.
3. Report in the case of Francis S. Edwards, a member from the State of New York.
4. Report in the case of Orsamus B. Matteson, a member from the State of New York.
5. Views of the minority in the foregoing cases.
6. General report and evidence.

## GENERAL REPORT.

The committee submit the following resolution:

*Resolved*, That James W. Simonton be expelled from the floor of his House as a reporter.

W. H. KELSEY.  
 JAMES L. ORR.  
 HENRY WINTER DAVIS.  
 DAVID RITCHIE.  
 HIRAM WARNER.

A BILL to protect the people against corrupt and secret influence in matters of legislation

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That no person shall, directly or indirectly, offer or agree to give any money or other valuable thing, or security for any money or other valuable thing, to any person for the service of such person, or of any other person, in aiding or advocating or procuring the passage or defeat of any measure before either House of Congress, or any committee of either House, to be paid or delivered on the contingency of the passage or defeat of any measure before either House of Congress, or before any committee of either House; and that no person shall agree to accept or receive, or shall accept or receive, any money or other valuable thing for aiding or advocating or procuring the passage or defeat of any measure before either House of Congress, or before any committee of either House; and that every bargain, contract, or security for any such compensation on any such contingency, and all shifts and contrivances to cover or conceal such bargain, are hereby declared null and void; and the parties to any such bargain, contract, agreement, or understanding, as well the party to pay as the party to receive the money or other valuable thing, or security therefor, on any such contingency as is above indicated, are hereby declared guilty of a misdemeanor; and on conviction thereof before any court of the United States having jurisdiction of the said offence, shall suffer imprisonment in the common jail for not less than six months nor more than one year, and be subject to a fine of not less than \$100 nor more than \$1,000.

SEC. 2. That no person having any interest in the passage or defeat of any measure before either House of Congress, and no agent or person acting for or representing any other person as agent or attorney, in law or in fact, for procuring, aiding, or advocating the passage or defeat of any measure before either House of Congress, or before any committee of either House, shall approach, converse with, or explain to, or in any manner attempt to influence any member of either House relative to such measure, without first distinctly disclosing to such member whether he is interested personally in his own right or as agent for any other person in the passage or defeat of such measure; and any person who shall violate the provisions of this section, is hereby declared guilty of a misdemeanor, and on conviction thereof before any court of the United States be punished by imprisonment for not less than one month nor more than one year, and by a fine of not less than \$100 nor more than \$1,000.

Wisconsin

**Chapter 145.**

*Published June 3d, 1858.*

**AN ACT to protect the people against corrupt and secret influences in matters of Legislation**

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

**Misdemeanor under this section—penalty.**

**SECTION 1.** That no person shall, directly or indirectly, offer or agree to give any money or other valuable thing, or security for any money or other valuable thing, to any person for the service of such person, or of any other person, in aiding or advocating or procuring the passage or defeat of any measure before either house of the Legislature, to be paid or delivered on the contingency of the passage or the defeat of any measure before either house of the Legislature ; and that no person shall agree to accept or receive, or shall accept or receive any money or other valuable thing for aiding or advocating or procuring the passage or defeat of any measure before either house of the Legislature of this State ; and that every bargain, contract, or security for any such compensation on any such contingency, and all shifts and contrivances to cover or conceal such bargain, are hereby declared null and void ; and the parties to any such bargain, contract, agreement or understanding, as well the party [to] pay as the party to receive the money or other valuable thing, or security therefor, on any such contingency as is above indicated, are hereby declared guilty of a misdemeanor, and on conviction thereof before any circuit court of this State, shall suffer imprisonment in the common jail in the county where such person is convicted, or in some other county in the State, as the judge shall direct, for not less than four months nor more than one year, and be subject to a fine of not less than one hundred dollars nor more than one thousand dollars.

**Misdemeanor—penalty.**

**SEC. 2.** That no person having any interest in the passage or defeat of any measure before either house of the Legislature, and no agent or person acting for or representing any other person as agent or attorney

## GENERAL LAWS—CHAPTER 146.

in law or in fact, for procuring, aiding, or advocating the passage or defeat of any measure before either house of the Legislature, or before any committee of either house, shall approach, converse with, or explain to, or in any manner attempt to influence any member of the Legislature relative to such measure, without first distinctly disclosing to such member whether he is interested personally in his own right or as agent for any other person in the passage or defeat of such measure; and any person who shall violate the provisions of this section, is hereby declared guilty of a misdemeanor, and on conviction thereof before any circuit court of this State, be punished by imprisonment not less than one month nor more than one year, and by fine of not less than fifty dollars nor more than five hundred dollars.

SEC. 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 17th, 1858.

## Chapter 146.

*Published June 3d, 1858.*

AN ACT to appropriate to the Wisconsin State Hospital for the Insane, a certain sum of money therein named.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. There is hereby appropriated to the Wisconsin State Hospital for the Insane, the sum of eight-<sup>\$18,000 ap-</sup>een thousand dollars, out of any money in the State Treasury not otherwise appropriated, for the purpose of carrying on the buildings already under contract, in accordance with the plans and specifications adopted by the board of commissioners and filed in the office of Secretary of State.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved May 17th, 1858.

**AMICUS APPENDIX: ORS 260.407**

**ORS 260.407 Use of contributed amounts for certain purposes.**

- (1) Except as provided in subsection (2) of this section, amounts received as contributions by a candidate or the principal campaign committee of a candidate for public office that are in excess of any amount necessary to defray campaign expenditures and any other funds donated to a holder of public office may be:
  - (a) Used to defray any expenses incurred in connection with the recipient's duties as a holder of public office;
  - (b) Transferred to any national, state or local political committee of any political party;
  - (c) Contributed to any organization described in section 170(c) of Title 26 of the United States Code or to any charitable corporation defined in ORS 128.620; or
  - (d) Used for any other lawful purpose.
- (2) Notwithstanding subsection (1) of this section, amounts received as contributions by a candidate for public office that are in excess of any amount necessary to defray campaign expenditures and other funds donated to a holder of public office may not be:
  - (a) Converted by any person to any personal use other than to defray any expenses incurred in connection with the person's duties as a holder of public office or to repay to a candidate any loan the proceeds of which were used in connection with the candidate's campaign;
  - (b) Except as provided in this paragraph, used to pay any money award as defined in ORS 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contributions described in this subsection may be used to pay a civil penalty imposed under this chapter, other than a civil penalty imposed for a violation of this section or ORS 260.409; or
  - (c) Except as provided in this paragraph, used to pay any legal expenses incurred by the candidate or public official in any civil, criminal or other legal proceeding or investigation that relates to or arises from the course and scope of the duties of the person as a candidate or public official. Contributions described in this subsection may be used to pay legal expenses incurred by the candidate or public official in connection with a legal proceeding brought under this chapter, other than a proceeding brought under this section or ORS 260.409.



(3) As used in this section:

- (a) "Funds donated" means all funds, including but not limited to gifts, loans, advances, credits or deposits of money that are donated for the purpose of supporting the activities of a holder of public office. "Funds donated" does not mean funds appropriated by the Legislative Assembly or another similar public appropriating body or personal funds of the office holder donated to an account containing only those personal funds.
- (b) "Public office" does not include national or political party office. [1995 c.1 18; 1999 c.999 20; 2007 c.877 14].

STATE (year adopted)	ELECTION PROTECTION PROVISION IN CONSTITUTION	FREE SPEECH PROVISION
Kentucky (1799)	Article VIII, § 2, second clause:  [T]he privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties; all undue influence thereon from power, bribery, tumult, or other improper practices.	Article VIII, § 9  * * * The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write, and print, on any subject, being responsible for the abuse of that liberty.
Mississippi (1817)	Article VI, § 5, second sentence:  The privileges of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper conduct.	Article I, § 6  Every citizen may freely speak, write and publish his sentiments on all subjects; being responsible for the abuse of that liberty.
Connecticut (1818)	Article VI, § 6:  Laws shall be made to support the privilege of free suffrage, prescribing the manner of regulating and conducting meetings of the electors, and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult, and other improper conduct.	Article I, § 5  Every citizen may freely speak, write, and publish his sentiments on all subjects; being responsible for the abuse of that liberty.
Alabama (1819)	Article XI, § 5, second sentence:  The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper conduct.	Article I, § 8  Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

<b>STATE (year adopted)</b>	<b>ELECTION PROTECTION PROVISION IN CONSTITUTION</b>	<b>FREE SPEECH PROVISION</b>
Florida (1838)	<p>Article VI, § 13, second clause:</p> <p>[A]nd the privilege of suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practices.</p>	<p>Article I, § 5</p> <p>That every citizen may freely speak, write, and publish his sentiments, on all subjects, being responsible for the abuse of that liberty and no law shall ever be passed to curtail, abridge, or restrain the liberty of speech of the press</p>
Texas (1845)	<p>Article 16, § 2, second sentence:</p> <p>The privilege of free suffrage shall be protected by laws regulating elections, and prohibiting under adequate penalties all undue influence therein from power, bribery, tumult, or other improper practice.</p>	<p>Article I, § 5</p> <p>Every citizen shall be at liberty to speak, write, or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press.</p>

<b>STATE (year adopted)</b>	<b>ELECTION PROTECTION PROVISION IN CONSTITUTION</b>	<b>FREE SPEECH PROVISION</b>
<p>Louisiana (1825)</p> <p>(1848)</p>	<p>Article VI, § 4, second clause: [T]he privilege of free suffrage shall be supported by laws regulating elections and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practice.</p> <p>Title VI, Article 93: The privilege of free suffrage shall be supported by laws regulating elections and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practice.</p>	<p>No similar provision</p> <p>Article 106: The press shall be free. Every citizen may freely speak, write, and publish his sentiments on all subjects; being responsible for an abuse of this liberty.</p>
<p>California (1849)</p>	<p>Article XI, § 18, second sentence: The privilege of free suffrage shall be supported by laws regulating elections and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.</p>	<p>Article I, § 8: Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. (Section about proof of liable.)</p>

<b>STATE (year adopted)</b>	<b>ELECTION PROTECTION PROVISION IN CONSTITUTION</b>	<b>FREE SPEECH PROVISION</b>
Oregon (1857)	Article II, § 8  The Legislative Assembly shall enact laws to support the privilege of free suffrage, prescribing the manner of regulating, and conducting elections, and prohibiting under adequate penalties, all undue influence therein, from power, bribery, tumult, and other improper conduct.	Article I, § 8  No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right.

**Utah Code, Title 67, Chapter 16, Section 5**

**67-16-5. Accepting gift, compensation, or loan -- When prohibited.**

- (1) As used in this section, "economic benefit tantamount to a gift" includes:
  - (a) a loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and
  - (b) compensation received for private services rendered at a rate substantially exceeding the fair market value of the services.
- (2) It is an offense for a public officer or public employee, under circumstances not amounting to a violation of Section 63G-6-1001 or 76-8-105, to knowingly receive, accept, take, seek, or solicit, directly or indirectly for himself or another a gift of substantial value or a substantial economic benefit tantamount to a gift:
  - (a) that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties;
  - (b) that the public officer or public employee knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the public officer or public employee for official action taken; or
  - (c) if the public officer or public employee recently has been, is now, or in the near future may be involved in any governmental action directly affecting the donor or lender, unless a disclosure of the gift, compensation, or loan and other relevant information has been made in the manner provided in Section 67-16-6.
- (3) Subsection (2) does not apply to:
  - (a) an occasional nonpecuniary gift, having a value of not in excess of \$50;
  - (b) an award publicly presented in recognition of public services;
  - (c) any bona fide loan made in the ordinary course of business; or
  - (d) a political campaign contribution.