

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 881

An ordinance amending MCC 4.10, 4.30 and 4.51 to conform with changes in State law regarding elections.

(Stricken language in brackets [ ] is to be deleted; underlined language is new.)

Multnomah County ordains as follows:

Section I. Findings

A) It is necessary to amend MCC 4.30 to allow flexibility in filling vacancies in office, due to a change in State law which presently provides for four (4) scheduled election dates per year. MCC 4.30 was last amended in 1985, when State law provided for six (6) elections per year. The Amendment will allow for an emergency election to fill a vacancy prior to an election date established by state law in the event public interest would be harmed by waiting, and adjusts required filing deadlines accordingly.

B) It is necessary to amend MCC 4.51 to conform with changes in State law.

C) ORS Chapter 251 allows for publication of the county's voters pamphlet, therefore MCC 4.10 providing for the publication of a voter's pamphlet should be repealed.

Section II. Repeal of MCC 4.10

MCC 4.10 Voter's Pamphlet is hereby repealed.

Section III. Amendments to Chapter 4.30.

MCC 4.30 is amended as follows:

1 4.30.055 Election to fill vacancy.

2 If an election is required to fill a vacancy, the board shall call such an election on  
3 the next available election date established by state law or may call an emergency  
4 election if it has been demonstrated that the public interest would be harmed by  
5 waiting. The date of the emergency election must allow sufficient time to meet the  
6 requirements of 4.30.065. [which is not sooner than the 45th day after the date of  
7 declaration of vacancy.]  
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9 4.30.065 Nomination to fill vacancy.

10 Nomination for election to fill a vacancy shall be made by the petition or  
11 declaration method established by state law for the selection of candidates for  
12 nomination at a primary election. Such petition or declaration shall be filed with the  
13 director of elections not later than the [34th] 47th day prior to the date of the election.  
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15 MCC 4.30.080 is amended as follows:

16 Repeal of MCC 4.30.075

17 MCC 4.30.075 Vacancies occurring prior to general election is hereby repealed.

18 4.30.080 Special runoff election.

19 (A) If no candidate receives a majority of votes cast at an election to fill a  
20 vacancy, the board shall call a special runoff election in which the names of the two  
21 candidates receiving the highest number of votes shall appear on the ballot.  
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1 (B) The special runoff election [shall] may be held on the next available election  
2 date established by state law [which occurs not less than 34 days and not more than  
3 50 days after the date of election first referred to in subsection (A) of this section] or  
4 may be an emergency election if it has been demonstrated that the public interest  
5 would be harmed by waiting. The special runoff election shall occur not less than 47  
6 days after the date of the election first referred to in subsection (A) of this section.  
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8 [(C) If no election date is established by state law during the period described in  
9 subsection (B) of the section, the board shall call the special runoff election for a date  
10 which occurs not less than 34 days and not more than 50 days after the date of the  
11 election first referred to in subsection (A) of this section.]

12 Section IV. Amendments to Chapters 4.51.  
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14 Section 4.51 is amended as follows:

15 Section 4.51.010 Definitions.

16 As used in this chapter, unless the context requires otherwise:

17 (A) County legislation means any legislation which has been or lawfully may be  
18 enacted by the county, and includes any amendment, revision or repeal of the  
19 Multnomah County home rule charter, but does not include any property tax levy, tax  
20 base, or bond measure or any emergency ordinance adopted under chapter V of the  
21 Multnomah County home rule charter.  
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1 (B) Director means the director of the county's division of elections, or the  
2 director's designees, or any officer subsequently performing the present duties of the  
3 director, or the designees of that officer.

4 (C) Elector means any legal voter of the county.

5 (D) Measure means any county legislation, or property tax levy, tax base, or  
6 bond measure proposed for adoption, amendment, revision, repeal or referral through  
7 the initiative or referendum procedures prescribed by this chapter.  
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9 (E) Regular election means any election at which a measure is submitted to the  
10 electors on a [regular] biennial [statewide] primary, presidential preference primary or  
11 general election date.

12 (F) Special election means any election at which a measure is submitted to the  
13 electors on a date other than a regular election date.  
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15 4.51.020 Prospective petition

16 (A) Prior to circulating a petition proposing an initiative or referendum measure  
17 among the electors, the chief petitioners shall file a prospective petition with the  
18 director, in such form as the director shall prescribe or provide, showing:  
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20 (1) The signatures, printed names and mailing addresses of not less than one  
21 and not more than three chief petitioners, all of whom must be electors of the  
22 county;

23 (2) In the case of initiative measures, the text of the county legislation proposed  
24 for adoption, amendment, revision or repeal, and, where applicable, the title,  
25 ordinance number, and charter or ordinance section numbers proposed for  
26 amendment, revision or repeal;

1 (3) In the case of referendum measures, the text of the county legislation  
2 proposed for referral, and where applicable, the title, ordinance number or  
3 ordinance section numbers of the county legislation proposed for referral.

4 (4) Whether one or more persons will be paid for obtaining signatures on the  
5 petition.

6 (B) The director shall inscribe the date of filing upon any prospective petition  
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8 filed in the director's office.

9 (C) After a prospective petition for a referendum measure has been filed with the  
10 director, and the director has determined that the prospective petition complies with the  
11 requirements of this chapter, and other applicable law, the director shall forthwith certify  
12 to one of the chief petitioners that petitions for the referendum measure proposed by  
13 the prospective petition may be circulated among the electors, in accordance with the  
14 procedures set forth in MCC 4.51.040.

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16 4.51.030 Ballot title; appeal

17 (A) Prior to the conclusion of the 5th business day after a [next following the  
18 filing of a] prospective petition is filed which proposes an initiative measure and which  
19 complies with the requirements of this chapter and other applicable law, the director  
20 shall review the text of the proposed initiative to determine whether the text complies  
21 with the single subject requirement and shall determine that the initiative proposes  
22 "legislation".

1        (B) If the proposed text does not meet the requirements of subsection (A), the  
2 director shall notify the chief petitioner by certified mail, return receipt requested, that  
3 the prospective petition does not meet the single subject and/or legislative requirement.

4        (C) Any elector that is dissatisfied with the determination by the director, that the  
5 proposed initiative does not meet the requirements of subsection (A) may petition the  
6 circuit court for the county. The petition must be filed not later than the seventh  
7 business day after the written determination is made by the director.

8        (D) If the proposed initiative meets the requirements of subsection (A) or in the  
9 case of a referendum petition that has been certified for circulation, the director shall  
10 transmit two copies of the prospective petition to the district attorney of the county, who  
11 shall, within five business days after receiving the prospective petition, prepare a ballot  
12 title for the measure proposed and an explanatory statement for the voters' pamphlet  
13 The ballot title shall [consist of:] conform to the requirements of Oregon State Law.

14        [(1) A caption of not more than ten words which reasonably identifies the subject  
15 of the measure;]

16        [(2) A question of not more than 20 words which plainly phrases the chief  
17 purpose of the measure so that an affirmative response to the question  
18 corresponds to an affirmative vote on the measure; and]

19        [(3) A concise and impartial statement of not more than 85 words summarizing  
20 the measure and its major effect.]  
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1 The explanatory statement shall consist of an impartial, simple and understandable  
2 statement explaining the measure and its effect. The explanatory statement shall not  
3 exceed 500 words.

4 After preparing the ballot title and explanatory statement, the district attorney shall  
5 immediately return one copy of the prospective petition, [and] ballot title and  
6 explanatory statement to the director and shall immediately transmit one copy of the  
7 prospective petition, [and] ballot title and explanatory statement to one of the chief  
8 petitioners.  
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10 (E)/(B) The director, upon receiving a ballot title and explanatory statement for a  
11 county measure to be referred or initiated from the district attorney [*or the county*  
12 *governing body*], shall publish in the next available edition of a newspaper of general  
13 circulation in the county a notice of receipt of the ballot title and explanatory statement  
14 including notice that an elector may file a petition for review of the ballot title and/or  
15 explanatory statement not later than the date referred to in subsection (E)/(C) of this  
16 section.  
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18 (E)/(C) Upon receiving the prospective petition, [and] ballot title and explanatory  
19 statement from the district attorney, the director shall inscribe the date of receipt on it.  
20 Within seven business days after that date, any elector may petition the circuit court for  
21 the county to challenge the ballot title and/or explanatory statement prepared by the  
22 district attorney. At the end of the seven-day period, or following the final adjudication  
23 or any challenge, the director shall certify the ballot title as prepared by the district  
24 attorney or as prescribed by the court, as the case may be, to one of the chief  
25 petitioners.  
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1        ~~(G)~~~~(D)~~ Any person filing a petition of review with the circuit court must file a  
2 copy of the challenge with the director not later than the end of the business day next  
3 following the date the petition is filed with the circuit court. Nothing in this section is  
4 intended to invalidate a petition that is timely filed with the circuit court.

5        ~~(H)~~~~(E)~~ The procedures set forth in subsections (A) through ~~(G)~~~~(D)~~ of this  
6 section for preparation of, and challenges to, ballot titles and explanatory statements  
7 for initiative measures shall also apply to referendum measures. However, the  
8 completion of such procedures shall not be a prerequisite to the circulation of petitions  
9 for referendum measures under MCC 4.51.040, and ballot titles need not be stated on  
10 petitions circulated to propose referendum measures.

12        4.51.040 Petition and circulation requirements

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14        (A) After the requirements of subsection (C) of MCC 4.51.020 have been met in  
15 the case of referendum measures, and after the requirements of subsection ~~(E)~~~~(C)~~ of  
16 MCC 4.51.030 have been met in the case of initiative measures, the chief petitioners  
17 and any other persons eligible to circulate initiative and referendum petitions under  
18 state law may circulate a petition for the measure among the electors. [Each copy of  
19 the petition so circulated shall consist of a cover page and signature sheet or sheets.]  
20 The petition (cover sheet and signature sheet) shall conform to the requirements of  
21 Oregon State Law.

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23        ~~[(B)~~ The cover page shall state the names and mailing addresses of the chief  
24 petitioners, shall contain the information required by paragraph (2) of subsection (A) of  
25 MCC 4.51.020 or paragraph (3) of subsection (A) of MCC 4.51.020, and, in the case of  
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1 petitions for initiative measures, shall state the ballot title certified by the director under  
2 subsection (C) of MCC 4.51.030.]

3 [(C) Each signature sheet shall contain space for signatures of 20 electors.  
4 Each elector signing the petition shall do so by affixing the elector's signature, the date  
5 of the signature, and by printing the elector's name, residence address and, if known,  
6 the elector's precinct number.]

8 (B) The petition identification number will be assigned by the director.

9 [(D) Each signature sheet of an initiative petition shall contain the caption of the  
10 ballot title.]

11 (C)/(E) Each signature sheet of a referendum petition shall contain the title,  
12 ordinance number or ordinance section numbers of the county legislation proposed by  
13 referral and the date it was adopted by the county governing body.

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15 (D)/(F) No signature sheet shall be circulated by more than one person. Each  
16 signature sheet shall contain a statement signed by the circulator that each elector who  
17 signed the sheet did so in the circulator's presence, and, to the best of the circulator's  
18 knowledge, each such elector is a legal voter of the county and that the information  
19 placed on the sheet by each such elector is correct.

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21 4.51.050 Filing and percentage requirements; verification

22 (A) The director shall accept for signature verification in accordance with this  
23 chapter only petitions which comply with the requirements of this chapter and other  
24 applicable law.  
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1 (B) No petition shall be accepted for filing unless it contains at least the required  
2 number of verified signatures to submit the measure to the electors, as prescribed by  
3 subsections (G), (H) or (I) of this section.

4 (C) No initiative petition shall be accepted for signature verification more than six  
5 months after the date of the director's certification under subsection (E)[(C)] of MCC  
6 4.51.030.  
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8 (D) Any petition to refer legislation adopted by the board must be submitted for  
9 signature verification not more than 90 days after the board of county commissioner's  
10 adoption of such legislation.

11 (E) An initiative or referendum petition shall not be accepted for signature  
12 verification if it contains less than 100 percent of the required number of signatures.  
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14 (F) Upon the acceptance of a petition, the director shall verify the signatures  
15 thereon. Such verification may be performed by random sampling in a manner  
16 approved by the secretary of the state of Oregon. Within 15 days after the director's  
17 acceptance of a petition, the director shall certify to the board whether the petition  
18 contains a sufficient number of qualified signatures to require the submission of the  
19 proposed measure to the electors, and shall also state in the certificate the number of  
20 qualified signatures prescribed by subsections (G), (H) or (I) of this section to require  
21 the proposed measure to be submitted to the electors. The petition shall be considered  
22 filed as of the date of the director's certification.  
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1 (G) An initiative measure proposing the amendment, revision or repeal of the  
2 Multnomah County home rule charter, or parts thereof, shall be submitted to the  
3 electors if the number of qualified signatures on the petition therefor equals or exceeds  
4 eight percent of the total number of votes cast in Multnomah County for all candidates  
5 for governor of Oregon at the most recent previous general election at which the office  
6 of governor was filled for a four-year term.  
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8 (H) An initiative measure proposing the adoption, amendment or repeal of any  
9 other county legislation, or parts thereof, shall be submitted to the electors if the  
10 number of qualified signatures on the petition therefor equals or exceeds six percent of  
11 the total number of votes cast in Multnomah County for all candidates for governor at  
12 the most recent previous general election at which the office of governor was filled for a  
13 four-year term.  
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15 (I) A referendum measure shall be submitted to the electors if the number of  
16 qualified signatures on the petition therefor equals or exceeds four percent of the total  
17 number of votes cast in Multnomah County for all candidates for governor of Oregon at  
18 the most recent previous general election at which the office of governor was filled for a  
19 four-year term.  
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21 4.51.060 Measures referred by board

22 (A) The board may directly refer to the electors any county legislation adopted  
23 by it and any proposed property tax levy, tax base, or bond measure, and may directly  
24 refer to the electors proposed amendments, or revisions or the repeal of the Multnomah  
25 County home rule charter or parts thereof.  
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1 (B) In lieu of the procedures for preparation of a ballot title by the district  
2 attorney set forth in MCC 4.51.020 and 4.51.030, in the case of measures the board  
3 refers under subsection (A) of this section, the board shall prepare a ballot title and  
4 explanatory statement that conforms to the requirements of Oregon State Law  
5 [complying with the requirements of subsection (A) of MCC 4.51.030], and shall certify  
6 such ballot title and explanatory statement to the director.  
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8 (C) The director, upon receiving a ballot title and explanatory statement for a  
9 county measure to be referred from the county governing body, shall publish in the next  
10 available edition of a newspaper of general circulation in the county a notice of receipt  
11 of the ballot title and explanatory statement including notice that an elector may file a  
12 petition for review of the ballot title and/or explanatory statement not later than the date  
13 referred to in subsection (D) of this section.  
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15 (D) Any elector may petition the circuit court to challenge the ballot title and/or  
16 explanatory statement prepared by the board. Such petition must be filed with the  
17 circuit court within seven business days of the board's certification. Any person filing a  
18 petition of review with the circuit court must file a copy of the challenge with the director  
19 not later than the end of the business day next following the date the petition is filed  
20 with the circuit court. Nothing in this section is intended to invalidate a petition that is  
21 timely filed with the circuit court.  
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23 (E) A measure shall be considered referred under this section as of the date the  
24 board certifies its ballot title to the director.  
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1 4.51.070 Election dates

2 (A) Upon receiving the director's certification that a petition has been filed with  
3 sufficient qualified signatures to require the proposed measure to be submitted to the  
4 electors under subsection (F) of MCC 4.51.050, or upon referring the measure on its  
5 own motion under MCC 4.51.060, the board shall call an election for submission of the  
6 measure to the electors.  
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8 (B) The board shall call the election on the next available election date in ORS  
9 203.085 that is not sooner than the 90th day after the date of the director's certificate  
10 certifying sufficient signatures. In the event of a board referral, the election on the  
11 referendum of county legislation [shall not be held less than 90 days after the board's  
12 order calling the election unless it has been demonstrated that the public interest would  
13 be harmed by waiting. In the event of a board referral of a property tax levy, tax base,  
14 or bond measure, the election] shall be held on the next available [primary, general,  
15 regular district, or other] election date for which the board meets the filing requirements  
16 defined in ORS 254.103.  
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18 4.51.080 Election notice and procedure

19 [(A) In the case of special elections, the board shall cause notice thereof by  
20 publication in two newspapers of general circulation within the county once each week  
21 for three consecutive weeks prior to the election. The notice shall contain the date of  
22 the election, the hours the polls will open and the ballot title of the measure. In  
23 addition, on the day preceding or the day of the election, the director shall cause the  
24 polling places at which electors may register their votes to be published in at least two  
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1 newspapers of general circulation within the county. The director shall appoint clerks  
2 for any special election and may combine precincts in accordance with state law.]

3 (A)/(B) Notice of elections on measures to be submitted to the electors on  
4 regular or special election dates shall be given in accordance with state law [and such  
5 elections shall be conducted in conjunction with the elections of offices and other  
6 measures to be submitted to the electors on said election dates].

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8 [(C) The requirements of subsection (A) and (B) of this section do not apply  
9 when the election is to be conducted by mail in accordance with state law.]

10 [(D) The notice procedures set forth in subsections (A) and (B) of this section are  
11 in lieu of a county voters' pamphlet and no county voters' pamphlet shall be required for  
12 elections subject to this chapter unless the board otherwise specifically directs.]

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14 (B)/(E) Measures referred by the board shall be designated on the ballot  
15 "Referred to the People by the Board of County Commissioners".

16 (C)/(F) Measures proposed by referendum petition shall be designated on the  
17 ballot "Referred by Petition of the People".

18 (D)/(G) Measures proposed by initiative petition shall be designated on the  
19 ballot "Proposed by Initiative Petition".

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21 (E)/(H) Within 20 days following any election, the director shall certify the  
22 election results to the board. The board shall thereupon canvass the vote and enter its  
23 proclamation of the results in its journal.

24 (E)/(I) A measure adopted by the electors shall take effect 30 days after the  
25 election, unless such measure expressly provides a later effective date.  
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1 4.51.090 Applicability of state law

2 Applicable provisions of state law, dealing with any initiative and referendum  
3 procedures or other election matters not regulated by this chapter, shall apply to  
4 initiative and referendum procedures on county legislation, together with this chapter,  
5 provided, however, that the provisions of this chapter shall prevail over any conflicting  
6 provisions of state law relating to matters subject to regulation and legislation by the  
7 county.  
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10 Approved this 26th day of June, 1997, being the date of its second reading  
11 before the Board of County Commissioners of Multnomah County, Oregon.  
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18 BOARD OF COUNTY COMMISSIONERS  
19 FOR MULTNOMAH COUNTY, OREGON

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Beverly Stein, Chair

REVIEWED:

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FOR MULTNOMAH COUNTY, OREGON

By   
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