

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ORDINANCE NO. 211

An Ordinance relating to the filling of vacancies in county elected office; amending MCC 4.30.010, 4.30.020, 4.30.030, and 4.30.060, and creating new provisions.

Multnomah County ordains:

Section 1. MCC 4.30.010 is amended to read:

4.30.010. Definitions. For the purposes of this chapter, unless the context requires otherwise:

(A) "Director" means the Director of the [Department of Administrative Services] Division of Elections of Multnomah County, or the authorized representative.

(B) Elective office means the:

(1) [Office of Multnomah County Commissioner; or] County Executive;

(2) Office of Multnomah County Auditor;

(3) Office of Multnomah County Commissioner.

Section 2. MCC 4.30.020 is amended to read:

4.30.020. Vacancy in office. An elective office of the county shall become vacant:

(a) Upon the incumbent's:

(1) Death;

(2) Adjudicated incompetence;

(3) Conviction of a felony, other offense pertinent to the office, or unlawful destruction of public records;

(4) Resignation from the office;
(5) Recall from the office; or
(6) Ceasing to possess the qualifications required for the office.

(B) Upon the failure of the person elected or appointed to the office to qualify for it within 10 days after the time for the term of office to commence; or

(C) In the case of a member of the Board of County Commissioners, upon absence:

(1) From the county for 30 consecutive days without the consent of the board; or

(2) From board meetings for 60 consecutive days without like consent.

(D) In the case of the County Executive, upon his or her absence from the county for 30 consecutive days without the consent of the board.

Section 3. MCC 4.30.030 is amended to read:

4.30.030. Filling of Vacancy.

(A) The board, upon becoming aware of a vacancy in an elective office, shall promptly determine the date of vacancy and appoint a qualified person. [from the same political party as was the last person elected to the office at the time elected.] The board may make such inquiries and interviews as they consider necessary to select an appointee. The appointment shall be made at a regular or special meeting of the board.

(B) [If a vacancy occurs in board position No. 1, the board may appoint a commissioner to fill the vacancy for such term as

determined by this chapter. The resignation of a commissioner from the elected position shall become effective upon the appointment to commissioner of Position No. 1.] Persons appointed to fill a vacancy as county commissioner shall not be a candidate for election to that position at the next election following the term of appointment.

[(C) If a commissioner is appointed to fill a vacancy in Position No. 1, the vacancy created in the elected office shall be filled in accordance with the provisions of this chapter.]

Section 4. MCC 4.30.060 is amended to read:

4.30.060 Nomination.

(A) If an election as set forth in MCC 4.30.050 is necessary to fill a vacancy and the vacancy has occurred not later than the 70th day prior to the date of a primary election, nominations [by major political parties, as defined by state law,] shall be made by the petition or declaration method established by state law for the selection of candidates for nomination at the primary election.

(B) If an election as set forth in MCC 4.30.050 is necessary to fill a vacancy and the vacancy occurs after the 70th day preceding the primary election, [but prior to October 1,] nominations for the general election shall be by the following methods:

[(1) The Multnomah County Central Committee of a major political party may nominate one candidate of that party to fill a vacancy in any elective office of the county. The certificate of the particular central committee shall be filed with

the director not before the 15th day after the date of the primary election preceding the general election and not later than the first day of October of the year in which the general election is held.]

[(2)] (1) Any [minor political party,] assembly of electors or individual [registered] electors[, as defined by state law,] may nominate, in the manner prescribed by state law, one candidate to fill a vacancy in an elective office of the county to be filled at the general election by preparing and filing a certificate of nomination with the director not before the 15th day after the date of the primary election preceding the general election and not later than the first day of October fifteenth day of September of the year in which the general election is held. If the vacancy occurs on or after the fifteenth day of September, but prior to the twentieth day prior to the general election, any qualified person may file a declaration of candidacy with the Director accompanied by a filing fee in the amount of \$50 within 5 days of the date of the vacancy.

ADOPTED this 29th day of November, 1979, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.

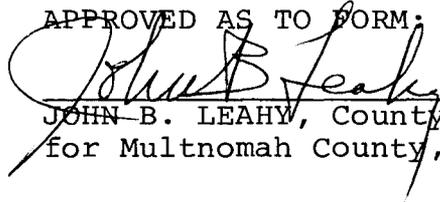
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By Carl Brunner
Presiding Officer

Authenticated by the County Executive on the 30th day of November, 1979.

Wmoe & Clark
County Executive
Multnomah County, Oregon

APPROVED AS TO FORM:



JOHN B. LEAHY, County Counsel
for Multnomah County, Oregon