

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ORDINANCE NO. 141

An Ordinance providing for elections to fill vacancies in the Office of County Commissioner or County Auditor in odd-numbered years pursuant to Section 4.50 of the Multnomah County Charter, as amended; and declaring an emergency.

Multnomah County ordains as follows:

Section 1. Call of Election.

Within seven (7) days after a vacancy in the office of County Commissioner occurs in an odd-numbered year, the Board of County Commissioners shall by order call and fix the date for a special election to fill the vacancy.

Section 2. Date of Election.

The date of the election called under Section 1 of this Ordinance shall not be less than sixty (60) days nor more than ninety (90) days after the date of the occurrence of the vacancy.

Section 3. Special Primary Election.

- A. There shall be a primary election on the 42nd day after the occurrence of the vacancy (or on the next succeeding Monday if the vacancy occurs on a Saturday or Sunday) to determine the nominee of each major political party as defined in ORS 249.011.
- B. A nominee of a major political party may not be nominated in the manner provided by ORS 249.710 to 249.850.

Section 4. Candidacy by Petition.

Any eligible person may become a candidate for the nomination of the major political party with which he is registered as being affiliated by filing with the Director of the Division of Records and Elections of the County a petition for nomination pursuant to ORS 249.020 through ORS 249.060, except that all petitions must be filed after the order is made under Section 1 of this Ordinance and not later than the 15th day after the occurrence of the vacancy.

Section 5. Candidacy by Declaration.

In lieu of the manner provided in Section 4 of this Ordinance, any eligible person may become a candidate for the nomination of the major political party with which he is registered as being affiliated by filing a declaration of candidacy pursuant to ORS 249.210 through 249.271, except that all declarations of candidacy must be filed after the order is made under Section 1 of this Ordinance and not later than the 15th day after the occurrence of the vacancy.

Section 6. Withdrawal of Candidacy-Primary.

ORS 249.150 (1) notwithstanding, a withdrawal of candidacy shall be filed not later than the 16th day after the occurrence of the vacancy.

Section 7. Prohibition of Multiple Candidacies.

ORS 249.160 shall apply under this Ordinance.

Section 8. Nomination Other Than by Primary Election.

ORS 249.710 to 249.860 shall apply under this Ordinance,

except that certificates of nomination shall be filed not earlier than the 3rd day nor later than the 14th day after the primary election under Section 3.A. of this Ordinance; and a withdrawal of candidacy shall be filed not later than the 15th day after the primary election under Section 3.A. of this Ordinance.

Section 9. District Elections.

Elections under Sections 1 and 3.A. of this Ordinance shall be held within the district defined by Section 3.20(2) of the Multnomah County Charter in which the vacancy has occurred.

Section 10. Conduct of Primary Election; Absentee Ballots.

- A. The primary election under Section 3.A. of this Ordinance shall be conducted in accordance with ORS 249.310, 249.320, 249.352 (except that the act required therein to be performed not later than the 50th day before the date fixed for the primary election shall be performed not later than the 25th day before the day fixed for the primary election), 249.354 through 249.366, and 249.369 through 249.491.
- B. ORS 253.160 notwithstanding, absentee ballots shall be printed and prepared for distribution not later than the 22nd day before the day fixed for the primary election.
- C. The Director of the Division of Records and Elections within 3 days after the election shall certify the results of the election and shall issue certificates

of nomination to the candidates having the highest number of votes for each party's nomination.

Section 11. Filling Vacancies in Nominations; Withdrawal of Candidacy.

- A. ORS 249.640 shall apply under this Ordinance.
- B. ORS 249.680 shall apply under this Ordinance, except that a writing declining the nomination shall be filed not later than the 15th day after the primary election under Section 3.A. of this Ordinance.

Section 12. Conduct of Special Election.

- A. Except as expressly provided in this section, elections pursuant to Section 1 of this Ordinance shall be conducted under the provisions of ORS Chapter 250.
- B. ORS 250.020 shall not apply, but the Director of Records and Elections shall, not later than the 16th day after the primary election, prepare and thereafter keep available for public inspection a certified statement showing the office to be filled at the election and the names and other information concerning all candidates for the office to be voted on at the election.
- C. The ballot shall be arranged under ORS 250.070 not later than the 16th day after the primary election.
- D. ORS 253.160 notwithstanding, absentee ballots shall be printed and prepared for distribution not later than the 28th day before the date of the election fixed pursuant to Section 1 of this Ordinance.

Section 13. Election Contests and Recounts.

- A. Except as expressly provided in this section, election contests and recounts with respect to elections under Sections 1 and 3.A. of this Ordinance shall be conducted pursuant to ORS Chapter 251.
- B. A petition under ORS 251.045 relating to an election under Section 3.A. of this Ordinance shall be filed not later than five (5) days after the election or the completion of a recount.
- C. The period for filing recount demands under ORS 251.520 with respect to an election under Section 3.A. of this Ordinance shall be respectively six (6), nine (9), and twelve (12) days.

Section 14. Emergency Clause.

This Ordinance being necessary to meet the emergency of providing for the conduct of elections under the Charter in the event of a vacancy in the office of County Commissioner or County Auditor, an emergency is declared to exist and this Ordinance shall take effect upon its passage.


ADOPTED this 17th day of March, 1977, being the date of its 1st reading before the Board of County Commissioners of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By


Chairman

APPROVED AS TO FORM:


GEORGE M. JOSEPH
County Counsel for
Multnomah County, Oregon