

# DRAFT FOR PUBLIC COMMENT

## Portland City Code 2.08 (Election of Candidates)

### Background

The City's draft code implements the November 2022 ranked choice charter amendment. It reflects careful consideration and collaboration between the City, Multnomah County and the Ranked Choice Voting Resource Center. The draft is based on state law, charter language, best practices, and, in some cases, software limitations. The four primary policy choices in the draft code are summarized below.

### Policy Choices

#### 1. Number of Candidates a Voter Can Rank on the Ballot?

- Preliminary choice: **8 candidates**
  - Rationale: Research suggests that in a city like Portland, the average voter will use more than 5 rankings. Beyond 8 and the grid of rankings is hard to fit on the ballot, contributing to increased voter error. Software limitations may limit the number of candidates to 6 rankings.
  - Counterpoint: Some research suggests voters are fatigued after ranking 5 candidates.

#### 2. Result of Voter Skipping Rankings on the Ballot?

- Preliminary choice: **Skipped rankings are ignored; lower rankings promoted.** A skipped ranking means a voter left a ranking unassigned in a contest but ranked a candidate at a subsequent ranking in that contest. For example, a voter assigns a candidate the number 1 ranking, skips number 2, and assigns a candidate the number 3 ranking. The preliminary choice is the skipped ranking is ignored and the candidate the voter ranked number 3 is effectively ranked number 2.
  - Rationale: Honor as much of a voter's intent as possible, even if voter made mistakes in marking ballot.
  - Counterpoint: Voter intent unclear; a skipped ranking should stop a ballot from counting in that contest.

#### 3. Result of Voter Overvoting on the Ballot?

- Preliminary choice: **Overvotes are ignored; lower rankings promoted.** An overvote means a voter has ranked more than one candidate at the same ranking. For example, a voter assigns two candidates for mayor the number 1 ranking. The preliminary choice is the overvote is ignored and the candidate the voter ranked number 2 is effectively ranked number 1.
  - Rationale: Honor as much of a voter's intent as possible, even if voter made mistakes in marking ballot. Because voter intent cannot be determined where there is an overvote, the next ranking that is not an overvote is considered the next highest ranking.
  - Counterpoint: Voter intent unclear; an overvote should stop a ballot from counting in that contest.

#### 4. Require Write-in Candidates to Certify Their Candidacy by 8 p.m. on Election Day?

- Preliminary choice: **Require certification.**
  - Rationale: Write-ins are initially counted as one generic candidate. If the "write-in" candidate has a statistical chance of winning, individual write-in candidates are then counted. Voters every year write in fictional candidates. Requiring write-in candidates to certify their candidacy eliminates the need for election staff to tabulate votes for fictional candidates and tabulate votes only for candidates who could and would accept the office if elected.
  - Counterpoint: Certification is a barrier to direct democracy.

## CHAPTER 2.08 - ELECTION OF CANDIDATES

(Chapter replaced by Ordinance No. \_\_\_\_\_, effective \_\_\_\_\_, 2023.)

### Sections:

- 2.08.010 Definitions.
- 2.08.020 City Offices.
- 2.08.030 Ranked Choice Voting.
- 2.08.040 Qualifications of Candidates.
- 2.08.050 Filing as a Candidate.
- 2.08.060 Candidacy by Declaration.
- 2.08.070 Candidacy by Nominating Petition.
- 2.08.080 Candidacy by Certification as Write-in.
- 2.08.090 Candidate Withdrawal.
- 2.08.100 Register of Candidates.
- 2.08.110 Tie Vote.
- 2.08.120 Recall.

### **2.08.010 Definitions.**

- A. “Active ballot”** means any ballot that is not an inactive ballot.
- B. “Active candidate”** means any candidate who has not been defeated or elected.
- C. “City elections officer”** means the city official in charge of elections for the City of Portland.
- D. “County elections officer”** means the county clerk or the county official in charge of elections for a particular county.
- E. “District”** means one of the four geographic areas within the City of Portland where voters vote to fill three Councilor seats.
- F. “Elector”** means an individual qualified to vote under Section 2, Article II, Oregon Constitution.
- G. “Highest-ranked active candidate”** means the active candidate a voter has assigned to a higher ranking than any other active candidate in the contest being tallied, excluding overvotes.
- H. “Inactive ballot”** means a ballot that, in any round of tabulation, does not count for any candidate. A ballot becomes inactive for the contest being tallied at the point any one of the following is true:
  - 1.** In any round after the first round, the ballot no longer contains any votes for any active candidates for the contest being tallied.

2. In any round, the ballot has reached an overvote for the contest being tallied and there are no lower-ranked candidates on the ballot that are not also overvotes.

**I. “Overvote”** means a voter has ranked more than one candidate at the same ranking in the same contest. For example, a ballot has an overvote if a voter assigns two candidates the number 1 ranking in the same contest.

**J. “Ranking”** is the number available to be assigned by a voter to a candidate to express the voter’s choice for that candidate. The number 1 is the highest available ranking, followed by 2, and then 3 and so on.

**K. “Skipped ranking”** means a voter has left a ranking or multiple consecutive rankings unassigned in a contest but ranked a candidate at a subsequent ranking in that contest. For example, a ballot has a skipped ranking if a voter assigns a candidate the number 1 ranking, skips the number 2 ranking, and assigns a candidate the number 3 ranking. A ballot also has a skipped ranking if a voter assigns a candidate the number 1 ranking, skips the number 2 and number 3 rankings, and assigns a candidate the number 4 ranking.

**L. “Undervote”** means a ballot that does not contain a marking for any candidate at any ranking in a contest. For example, a ballot has an undervote for the mayoral contest if a voter does not rank any candidate for Mayor.

#### **2.08.020 City Offices.**

- A. All elective city offices are nonpartisan. No reference to any political party affiliation will be included in any declaration of candidacy, nominating petition, notice, voters’ pamphlet, ballot, or other elections publication concerning a city candidate.
- B. The Mayor, Auditor and Councilors are elected subject to Charter Chapter 3, Article 1 and this Chapter. Vacancies are filled subject to Charter Section 2-206 and this Chapter.
- C. The Mayor and the Auditor are elected at-large using a method of ranked choice voting known as instant runoff voting. Councilors of each district are elected using a proportional method of ranked choice voting known as single transferable vote, except that in any election to fill a single Councilor vacancy in a district, the method of instant runoff voting is used.

#### **2.08.030 Ranked Choice Voting.**

- A. General Provisions.
  1. Ranking Choices. Except as otherwise provided in this Section, voters may rank eight candidates. Voters may rank fewer candidates if they prefer. When the total number of filed candidates and write-in lines for a contest is

less than eight, the number of available rankings will equal that total. For example, in a mayoral contest with three filed candidates, a voter may rank up to four candidates (three filed candidates plus one write-in candidate).

- a. **Election Administered by Single County.** If a city candidate election is administered by a single county elections officer, and that officer determines the voting equipment cannot accommodate eight rankings on the ballot, the number of candidates a voter may rank for that election will be the maximum number that the officer determines can be accommodated by the voting equipment.
- b. **Election Administered by Multiple Counties.** If a city candidate election is administered by county elections officers in more than one county, and one or more officers determines the voting equipment cannot accommodate eight rankings on the ballot, the number of candidates a voter may rank for that election will be the maximum number that can be accommodated by the voting equipment that can accommodate the lowest maximum number of rankings.

2. **Write-ins.** Voters may rank write-in candidates. Voters are given as many write-in options as there are seats to fill in the contest.
3. **Skipped Rankings.** In the event of a skipped ranking, the voter’s vote is transferred to the next highest-ranked active candidate on the voter’s ballot after the skipped ranking, if any.
4. **Overvote.** If a ballot contains an overvote, the voter’s vote is transferred to the next highest-ranked active candidate on the voter’s ballot, if any.
5. **Inactive Ballots and Undervotes.** In any round of tabulation, an inactive ballot does not count for any candidate. An undervote does not count as an active or inactive ballot in any round of tabulation.
6. **Elimination Ties.** If two or more candidates are tied with the fewest votes in a round, and tabulation cannot continue until the candidate with the fewest votes is defeated, then the candidate to be defeated is determined by lot by the county election officer or officers responsible for administering the contest.

**B. Instant Runoff Voting.**

1. **Application.** Instant runoff voting is used in contests for Mayor and Auditor and in any contest to fill a single Councilor vacancy in a district.
2. **Tabulation.** Each active ballot counts as one vote for the highest-ranked active candidate. If a candidate receives a majority of votes after the initial

round of tabulation, that candidate is declared elected. “**Majority of votes**” means, for each round being tabulated, more than 50 percent of votes cast on active ballots for active candidates in that round. If no candidate receives a majority of votes after the initial round of tabulation, subsequent rounds are tabulated as follows:

- a. If no candidate has a majority of votes, the active candidate with the fewest votes is defeated and the non-defeated active candidates retain the number of votes counted for them in any prior round. Each vote on a ballot that was counted for a defeated candidate in the prior round is then transferred to the next highest-ranked active candidate on that voter’s ballot that is not an overvote, if any.
- b. If, after this transfer of votes, any candidate has a majority of votes, that candidate is declared elected. If no candidate has a majority of votes, a new round begins with Subsection a.

C. Single Transferable Vote.

1. Application. Single transferable vote is used in any election to fill multiple Councilor seats in the same district.
2. Tabulation. Each active ballot counts, at its current transfer value (calculated in Subsection b.(1) below), for the highest-ranked active candidate. “**Transfer value**” means the proportion of a vote that an active ballot contributes to its highest-ranked active candidate. Each active ballot begins with a transfer value of 1. If an active ballot contributes to the election of a candidate, it receives a new transfer value. Tabulation for each contest proceeds in rounds as follows:
  - a. If the number of elected candidates plus the number of active candidates is less than or equal to the number of seats to be filled, then all active candidates are declared elected and tabulation is complete. Otherwise, the tabulation proceeds pursuant to Subsection b.
  - b. If any active candidate has a number of votes greater than or equal to the contest’s election threshold, that candidate is declared elected. “**Election threshold**” means the number of votes sufficient for a candidate to be elected in a multi-winner contest conducted by single transferable vote. The election threshold equals the total votes on active ballots counted for active candidates in the first round of tabulation, divided by the sum of one plus the number of seats to be elected, then adding one, and disregarding any fractions.

$$\text{Election Threshold} = \left( \frac{\text{Total Votes Counted}}{\text{Seats to be Elected} + 1} \right) + 1, \text{ disregarding any fractions}$$

(1) Each ballot counting for an elected candidate is assigned a new transfer value by multiplying the ballot's current transfer value by the surplus fraction for the elected candidate, with the result truncated after four decimal places. **"Surplus fraction"** is calculated by subtracting the election threshold ("T") from an elected candidate's vote total ("V"), then dividing that number by that elected candidate's vote total, and then truncating that number after four decimal places, where the candidate's **"vote total"** is the total transfer value of all ballots counting for a candidate in a round of tabulation.

$$\text{Surplus Fraction} = \frac{(V - T)}{V}$$

(2) After determining the active ballots' new transfer value in accordance with Subsection (1) above, the active ballots cast for any candidate elected under this Subsection b. are then transferred at their current transfer value to those ballots' next highest-ranked active candidate, if any. If two or more candidates have more votes than the election threshold for the contest in the same round, their surpluses are transferred simultaneously.

(3) Each candidate elected under this Subsection is deemed to have a number of votes equal to the election threshold in all future rounds.

(4) If one or more candidates is elected under this Subsection b., a new round begins pursuant to Subsection a. If no candidate is elected under this Subsection b., the tabulation proceeds pursuant to Subsection c.

- c. If no candidate is elected pursuant to Subsection b., the candidate with the fewest votes is defeated and votes for the defeated candidate are transferred at their current transfer value to each ballot's next highest-ranked active candidate and a new round begins pursuant to Subsection a.

**2.08.040 Qualifications of Candidates.**

- A. Eligible electors filing for city offices must meet the qualifications described in Charter Section 2-202. Eligible electors filing for the city office of Auditor must also meet the qualifications described in Charter Section 2-502.
- B. The city elections officer will reject a filing for candidacy if the city elections officer finds that the candidate would be unable to qualify for the office if elected, or if the filing does not comply with the law in any other way.

**2.08.050 Filing as a Candidate.**

- A. An eligible elector may become a candidate for office by filing a declaration of candidacy accompanied by a filing fee, by filing a nominating petition, or by certifying the elector's candidacy as a write-in.
- B. A declaration of candidacy or a nominating petition must be filed within the time set by state law.

**2.08.060 Candidacy by Declaration.**

- A. An eligible elector may file a declaration of candidacy with a filing fee. The filing fee will be set by administrative rule.
- B. The city elections officer will provide a declaration of candidacy consistent with state law.

**2.08.070 Candidacy by Nominating Petition.**

- A. As an alternative method of filing without the expense of the filing fee, an eligible elector may file a nominating petition.
- B. The city elections officer will provide a nominating petition consistent with state law.

**2.08.080 Candidacy by Certification as Write-in.**

No later than 8 p.m. on the date of the election, an eligible elector wishing to run as a write-in candidate must submit to the city elections officer, on a form provided by the city elections officer, a certification that the potential candidate meets the necessary qualifications for the city office and will serve if elected. Counties will only count individual write-in candidates who submit a certification by the deadline.

**2.08.090 Candidate Withdrawal.**

A candidate who has filed a declaration of candidacy or nominating petition may withdraw if the withdrawal is made by the deadline set by state law and the withdrawal is made on a form provided by the city elections officer and signed by the candidate under oath. If the

withdrawal is filed before the state deadline, the city elections officer will refund any filing fee.

**2.08.100 Register of Candidates.**

The city elections officer keeps a register of candidates. The register contains the title of each office, the name and residence mailing address of each candidate, relevant filing dates, and other information to provide county elections officers with information for the ballot.

**2.08.110 Tie Vote.**

The outcome of a tie vote is determined by state law.

**2.08.120 Recall.**

A recall is conducted consistent with state law.



**CHAPTER 2.08 - ~~NOMINATION AND  
ELECTION OF CANDIDATES~~**

(Chapter replaced by Ordinance No.  
~~167654, \_\_\_\_\_, effective May 18, 1994 \_\_\_\_\_,~~  
2023.)

**Sections:**

- ~~2.08.040 — City Offices.~~
- ~~2.08.050 — Qualifications of Candidates.~~
- ~~2.08.060 — Filing as a Candidate for Office.~~
- ~~2.08.070 — Filing by Declaration of Candidacy.~~
- ~~2.08.080 — Filing by Nominating Petition~~
- ~~2.08.090 — Withdrawal of Candidate Before certification to County.~~
- ~~2.08.100 — Register of Candidates for primary Election.~~
- ~~2.08.110 — Statement of Candidates & Measures for Primary and General Elections Ballots.~~
- ~~2.08.120 — Post Election Procedures for Primary and General Election.~~
- ~~2.08.130 — Tie Vote.~~
- ~~2.08.140 — Candidate Elected by Write-in Vote.~~
- ~~2.08.150 — Withdrawal after Nomination.~~
- ~~2.08.160 — Filling Vacancy in Nomination.~~
- ~~2.08.170 — Recall.~~
- 2.08.010 — Definitions.  
(Repealed by Ordinance No. 177200, effective February 21, 2003.)
- ~~2.08.020 — Applicability of State Law City Offices.~~  
(Repealed by Ordinance No. 177200, effective February 21, 2003.)
- ~~2.08.030 — City Elections Officer Ranked Choice Voting.~~  
(Repealed by Ordinance No. 177200, effective February 21, 2003.)
- 2.08.040 — City Offices Qualifications of Candidates.  
(Amended by Ordinance Nos. 177200 and 178799, effective November 5, 2004.)
- ~~2.08.050 — Filing as a Candidate.~~
- ~~2.08.060 — Candidacy by Declaration.~~
- ~~2.08.070 — Candidacy by Nominating Petition.~~
- ~~2.08.080 — Candidacy by Certification as Write-in.~~
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**F. “Elector”** means an individual qualified to vote under section 2, Article II, Oregon Constitution.

**G. “Highest-ranked active candidate”** means the active candidate a voter has assigned to a higher ranking than any other active candidate in the contest being tallied, excluding overvotes.

**H. “Inactive ballot”** means a ballot that, in any round of tabulation, does not count for any candidate. A ballot becomes inactive for the contest being tallied at the point any one of the following is true:

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**I. “Overvote”** means a voter has ranked more than one candidate at the same ranking in the same contest. For example, a ballot has an overvote if a voter assigns two candidates the number 1 ranking in the same contest.

**J. “Ranking”** is the number available to be assigned by a voter to a candidate to express the voter’s choice for that candidate. The number 1 is the highest available ranking, followed by 2, and then 3 and so on.

**K. “Skipped ranking”** means a voter has left a ranking or multiple consecutive rankings unassigned in a contest but ranked a candidate at a subsequent ranking in that contest. For example, a ballot has a skipped ranking if a voter assigns a candidate the number 1 ranking, skips the number 2 ranking, and assigns a candidate the number 3 ranking. A ballot also has a skipped ranking if a voter assigns a candidate the number 1 ranking, skips the number 2 and number 3 rankings, and assigns a candidate the number 4 ranking.

**L. “Undervote”** means a ballot that does not contain a marking for any candidate at any ranking in a contest. For example, a ballot has an undervote for the mayoral contest if a voter does not rank any candidate for Mayor.

#### **2.08.020 City Offices.**

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- B. The Mayor, Auditor and Councilors are elected subject to Charter Chapter 3, Article 1 and this Chapter. Vacancies are filled subject to Charter Section 2-206 and this Chapter.
- C. The Mayor and the Auditor are elected at-large using a method of ranked choice voting known as instant runoff voting. Councilors of each district are elected using a proportional method of ranked choice voting known as single transferable vote, except that in any election to fill a single Councilor vacancy in a district, the method of instant runoff voting is used.

### 2.08.030 Ranked Choice Voting.

#### A. General Provisions.

- 1. Ranking Choices. Except as otherwise provided in this Section, voters may rank eight candidates. Voters may rank fewer candidates if they prefer. When the total number of filed candidates and write-in lines for a contest is less than eight, the number of available rankings will equal that total. For example, in a mayoral contest with three filed candidates, a voter may rank up to four candidates (three filed candidates plus one write-in candidate).
  - a. Election Administered by Single County. If a city candidate election is administered by a single county elections officer, and that officer determines the voting equipment cannot accommodate eight rankings on the ballot, the number of candidates a voter may rank for that election will be the maximum number that the officer determines can be accommodated by the voting equipment.
  - b. Election Administered by Multiple Counties. If a city candidate election is administered by county elections officers in more than one county, and one or more officers determines the voting equipment cannot accommodate eight rankings on the ballot, the number of candidates a voter may rank for that election will be the maximum number that can be accommodated by the voting equipment that can accommodate the lowest maximum number of rankings.
- 2. Write-ins. Voters may rank write-in candidates. Voters are given as many write-in options as there are seats to fill in the contest.
- 3. Skipped Rankings. In the event of a skipped ranking, the voter's vote is transferred to the next highest-ranked active candidate on the voter's ballot after the skipped ranking, if any.
- 4. Overvote. If a ballot contains an overvote, the voter's vote is transferred to the next highest-ranked active candidate on the voter's ballot, if any.

5. Inactive Ballots and Undervotes. In any round of tabulation, an inactive ballot does not count for any candidate. An undervote does not count as an active or inactive ballot in any round of tabulation.
6. Elimination Ties. If two or more candidates are tied with the fewest votes in a round, and tabulation cannot continue until the candidate with the fewest votes is defeated, then the candidate to be defeated is determined by lot by the county election officer or officers responsible for administering the contest.

**B. Instant Runoff Voting.**

1. Application. Instant runoff voting is used in contests for Mayor and Auditor and in any contest to fill a single Councilor vacancy in a district.
2. Tabulation. Each active ballot counts as one vote for the highest-ranked active candidate. If a candidate receives a majority of votes after the initial round of tabulation, that candidate is declared elected. “Majority of votes” means, for each round being tabulated, more than 50 percent of votes cast on active ballots for active candidates in that round. If no candidate receives a majority of votes after the initial round of tabulation, subsequent rounds are tabulated as follows:
  - a. If no candidate has a majority of votes, the active candidate with the fewest votes is defeated and the non-defeated active candidates retain the number of votes counted for them in any prior round. Each vote on a ballot that was counted for a defeated candidate in the prior round is then transferred to the next highest-ranked active candidate on that voter’s ballot that is not an overvote, if any.
  - b. If, after this transfer of votes, any candidate has a majority of votes, that candidate is declared elected. If no candidate has a majority of votes, a new round begins with subsection a.

**C. Single Transferable Vote.**

1. Application. Single transferable vote is used in any election to fill multiple Councilor seats in the same district.
2. Tabulation. Each active ballot counts, at its current transfer value (calculated in Subsection b. (1) below), for the highest-ranked active candidate. “Transfer value” means the proportion of a vote that an active ballot contributes to its highest-ranked active candidate. Each active ballot begins with a transfer value of 1. If an active ballot contributes to the election of a candidate, it receives a new transfer value. Tabulation for each contest proceeds in rounds as follows:

- a. If the number of elected candidates plus the number of active candidates is less than or equal to the number of seats to be filled, then all active candidates are declared elected and tabulation is complete. Otherwise, the tabulation proceeds pursuant to Subsection b.
- b. If any active candidate has a number of votes greater than or equal to the contest’s election threshold, that candidate is declared elected. “Election threshold” means the number of votes sufficient for a candidate to be elected in a multi-winner contest conducted by single transferable vote. The election threshold equals the total votes on active ballots counted for active candidates in the first round of tabulation, divided by the sum of one plus the number of seats to be elected, then adding one, and disregarding any fractions.

$$Election\ Threshold = \left( \frac{Total\ Votes\ Counted}{(Seats\ to\ be\ Elected + 1)} \right) + 1, \text{ disregarding any fractions}$$

(1) Each ballot counting for an elected candidate is assigned a new transfer value by multiplying the ballot’s current transfer value by the surplus fraction for the elected candidate, with the result truncated after four decimal places. “Surplus fraction” is calculated by subtracting the election threshold (“T”) from an elected candidate’s vote total (“V”), then dividing that number by that elected candidate’s vote total, and then truncating that number after four decimal places, where the candidate’s “vote total” is the total transfer value of all ballots counting for a candidate in a round of tabulation.

$$Surplus\ Fraction = \frac{(V - T)}{V}$$

(2) After determining the active ballots’ new transfer value in accordance with Subsection (1) above, the active ballots cast for any candidate elected under this Subsection b are then transferred at their current transfer value to those ballots’ next highest-ranked active candidate, if any. If two or more candidates have more votes than the election threshold for the contest in the same round, their surpluses are transferred simultaneously.

~~(1)~~(3) Each candidate elected under this Subsection is deemed to have a number of votes equal to the election threshold in all future rounds.

(4) If one or more candidates is elected under this Subsection b, a new round begins pursuant to Subsection a. If no candidate is elected under this Subsection b, the tabulation proceeds pursuant to Subsection c.

c. If no candidate is elected pursuant to Subsection b, the candidate with the fewest votes is defeated and votes for the defeated candidate are transferred at their current transfer value to each ballot's next highest-ranked active candidate and a new round begins pursuant to Subsection a.

## **2.08.050040 Qualifications of Candidates.**

~~(Amended by Ordinance No. 177200, effective February 21, 2003.)~~

~~A. Eligible electors filing for city offices shall meet the qualifications for elected officials described in Charter Section 2-202. The candidate shall be a citizen of the United States and of the State of Oregon, and a registered voter in the City of Portland who shall have been a resident of the City of Portland or of an area which has become part of the City prior to Eligible electors filing the declaration of candidacy or petition for nomination, for a period of not less than one year immediately preceding the nominating election. for the city office of Auditor must also meet the qualifications described in Charter Section 2-502.~~

~~B. In addition to the requirements of .08.050 A., candidates for Auditor must at the time of filing a declaration of candidacy or a nominating petition, be a Certified Public Accountant, Certified Internal Auditor, or Certified Management Accountant and remain certified as such throughout the term of office, if elected. 502.~~

~~CB. The city elections officer shall will reject the a filing for candidacy if the city elections officer finds that a the candidate is not a registered voter in the City of Portland, would otherwise be unable to qualify as an officer for the office if elected, or if the filing is does not in compliance comply with the law or the requirements of this Chapter in in any other way.~~

## **2.08.060050 Filing as a Candidate for Office.**

~~(Amended by Ordinance No. 177200, effective February 21, 2003.)~~

~~A. An eligible elector may become a candidate for nonpartisan office by filing a declaration of candidacy accompanied by a filing fee or by filing a, by filing a nominating petition, or by certifying the elector's candidacy as a write-in.~~

~~B. A declaration of candidacy or a nominating petition— must be filed within the time set by state law.~~

~~B. A nominating petition or **2.08.060 Candidacy by Declaration.**~~

~~A. An eligible elector may file a declaration of candidacy shall contain the name of only one candidate. with a filing fee. The filing fee will be set by administrative rule.~~

~~C. No person shall file a nominating petition or B. The city elections officer will provide a declaration of candidacy for more than one lucrative office on the ballot at the same time. If a person has filed for another office, the person shall first withdraw the prior consistent with state law.~~

**2.08.070 Candidacy by Nominating Petition.**

~~A. As an alternative method of filing before without the expense of the filing fee, an eligible elector may file a nominating petition.~~

~~B. The city elections officer will provide a nominating petition or consistent with state law.~~

**2.08.080 Candidacy by Certification as Write-in.**

~~No later than 8 p.m. on the date of the election, an eligible elector wishing to run as a write-in candidate must submit to the city elections officer, on a form provided by the city elections officer, a certification that the potential candidate meets the necessary qualifications for the city office and will serve if elected. Counties will only count individual write-in candidates who submit a certification by the deadline.~~

**2.08.090 Candidate Withdrawal.**

~~A candidate who has filed a declaration of candidacy shall be accepted.~~

~~D. A nominating petition or declaration of candidacy shall be filed within the time period prescribed by state law.~~

~~**2.08.070 Filing by Declaration of Candidacy.**~~

~~(Amended by Ordinance Nos. 173369 and 177200, effective February 21, 2003.)~~

~~A. The Declaration of Candidacy shall be accompanied by the filing fee.~~

~~1. \$50 for the office of the Mayor.~~

~~2. \$30 for the office of Commissioner or Auditor.~~

~~B. A Declaration of Candidacy shall be on a Filing of Candidacy form provided by the Auditor as prescribed by state law and shall provide qualifications and fees for city candidates. It shall include:~~

- ~~1. The candidate's name and the manner in which the name should appear on the ballot;~~
- ~~2. The candidate's residence and mailing addresses and other contact information;~~
- ~~3. The candidate's county of residence;~~
- ~~4. The position and position number, if applicable, for which the candidate seeks nomination;~~
- ~~5. A statement of the candidate's occupation, educational and occupational experience and prior government experience;~~
- ~~6. A statement the candidate will accept nomination or election;~~
- ~~7. A statement the candidate will qualify if elected;~~
- ~~8. A statement the required fee is included with the declaration; and~~
- ~~9. The candidate's signature.~~

~~C. The Filing of Candidacy form shall state pursuant to ORS 260.715 that any person who supplies any information on the form, knowing it to be false, is subject upon conviction to imprisonment in the penitentiary for up to five years or to a fine of \$100,000 or both; and pursuant to ORS 249.013 that no person shall file a nominating petition or declaration of candidacy for more than one lucrative office before the date of the primary election unless the person first files a written withdrawal with the officer who accepted the initial filing.~~

~~**2.08.080 Filing by Nominating Petition.**~~

~~(Amended by Ordinance No. 177200, effective February 21, 2003.)~~

~~A. As an alternative method of filing as a candidate without the expense of the filing fee, a candidate may file a nominating petition. A nominating petition shall contain no fewer than 100 original signatures of electors registered in the City of Portland.~~

~~B. Before circulating a nominating petition, the candidate shall file with the City Elections Officer a prospective petition signed by the candidate. The prospective petition shall be a copy of the signature sheet intended for circulation and filing, a statement whether petition circulators will be paid or unpaid, a Filing of Candidacy form. The copy of the signature sheet shall be in the form prescribed by state law and signed by the candidate.~~



- ~~C. The Filing of Candidacy form shall be on a form provided by the Auditor as prescribed by state law and shall provide qualifications and signature requirements for city candidates. It shall include the items listed in Section 2.08.070 B. 1., 7., and 9. and 2.08.070 C. It shall also include a statement that the required prospective petition forms are included with the declaration.~~
- ~~D. No petition shall be circulated for signatures without the approval of the prospective petition by the City Elections Officer.~~
- ~~E. After circulating the petition, the candidate shall submit to the City Elections Filing Officer the signature sheets including no less than 100 percent of the required signatures and the circulator's signed certification on each signature sheet that all signatures were obtained in the circulator's presence and the circulator believes the signatures to belong to eligible electors.~~
- ~~F. Upon receipt of signature sheets containing the required number of signatures, the City Elections Officer shall arrange for verification of the validity of the signatures with the County Elections Officers.~~
- ~~G. Upon verification of the validity of 100 signatures, the candidate shall file the perfected petition, including a Declaration of Candidacy labeled "perfected petition" with the City Elections Officer.~~
- ~~H. Any eligible elector may sign a nominating petition of any candidate for nonpartisan city office.~~

**2.08.090 — Withdrawal of Candidate before Certification to County.**

(Amended by Ordinance No. 177200, effective February 21, 2003.) A candidate who has filed a Declaration of Candidacy or nominating petition may withdraw ~~as a candidate provided~~if the withdrawal is made by the deadline ~~prescribed~~ set by state law and the withdrawal is made on a form provided by the city elections officer and signed by the candidate under oath. If the withdrawal is filed before the ~~statutory~~ state deadline, the city elections officer ~~shall~~ will refund any filing fee.

**2.08.100 Register of Candidates ~~for Primary Election.~~**

The city elections officer ~~shall keep~~ keeps a register of candidates ~~for nomination at the primary election.~~ The register ~~shall contain~~ contains the title of each office, the name and residence mailing address of each candidate ~~for nomination at the primary election, the date of, relevant filing of the prospective petition for nomination of the candidate, the date of filing of the perfected petition for nomination, the date of filing of the declaration of candidacy~~dates, and ~~such other information as may aid the City Elections Officer to provide the Multnomah County Elections Officer~~ county elections officers with information for the ~~official ballot for the primary election.~~

**2.08.110 ~~Statement~~ Tie Vote.**

The outcome of Candidates & Measures for Primary and General Elections Ballots: a tie vote is determined by state law.

- ~~A. — The City Elections Officer shall file with the Multnomah County Elections Officer a statement of the candidates' names as they will appear on the ballot, the city offices for which candidates are to be nominated or elected, and city measures to be voted on, including the ballot title for each measure. The City Elections Officer shall file this statement no later than the deadline prescribed by state law for notification to county offices.~~
- ~~B. — The City shall reimburse the County for expenses incurred in changing the ballot if the City Elections Officer makes changes after the deadline for filing the statement with the County.~~

**2.08.120 Post-Election Procedures for Primary and General Elections.**  
(Amended by Ordinance Nos. 177200 and 191060, effective December 2, 2022.)

- ~~A. — Upon receipt of the abstract of the vote tally for nominated or elected officers and measures from the County, the City Elections Officer shall act as follows no later than 12 business days after receipt of the abstract from the County.~~
- ~~B. — The City Elections Officer shall:
  - ~~1. — Prepare a register of nominations, including the name of each candidate nominated, the position for which the candidate was nominated, and the date of entry;~~
  - ~~2. — Proclaim to the City Council the candidates nominated or elected and the measures approved;~~
  - ~~3. — Proclaim which measure is paramount if approved measures contain conflicting provisions; and~~
  - ~~4. — Prepare and deliver to each candidate a certificate of nomination or election, provided each candidate has filed financial statements relating to the election that the candidate is required to file under ORS 260.245 and 260.057.~~~~
- ~~C. — The certificate is primary evidence of nomination or election. No candidate shall take the oath of office before receiving a certificate of election from the City Elections Officer. The City Elections Officer shall not grant a certificate of nomination or election to any candidate until the candidate has filed the statements relating to the election that the candidate is required to file under ORS 260.245 and 260.057.~~
- ~~D. — A contested election and recount of votes for any City office shall be determined according to state law regulating these proceedings.~~

~~E. Any write-in candidate for a city office who wishes a tally of votes shall file a written request for the tally with the City Elections Officer. The City Elections Officer shall forward the request to the Multnomah, Clackamas and Washington County Elections Officers. The request shall be filed with the City Elections Officer by the deadline prescribed in state law.~~

~~**2.08.130 Tie Vote.**~~

~~After a recount of the vote, if two candidates have an equal and highest number of votes at the General Election, the Auditor shall have the candidates meet publicly to decide by lot who is elected after providing notice to the candidates and public.~~

~~**2.08.140 Candidate Elected by Write-in Vote.**~~

~~An individual nominated or elected by write-in votes shall sign and file a form indicating that the individual accepts the nomination or office before the City Elections Officer may issue a certificate of nomination or election. The form shall be provided by the City Elections Officer.~~

~~**2.08.150 Withdrawal after Nomination.**~~

~~(Amended by Ordinance No. 177200, effective February 21, 2003.) Any person who has been nominated at a nominating or Primary Election may withdraw from nomination by filing a statement declining the nomination and stating the reasons for withdrawal. The request for withdrawal shall be on a form provided by the City Elections Officer and signed by the candidate under oath before the City Elections Officer no later than the deadline prescribed by state law.~~

~~**2.08.160 Filling Vacancy in Nomination.**~~

~~A. If the only candidate nominated to a nonpartisan office dies, withdraws, is removed or disqualified or becomes ineligible before the deadline for filing statements with the County, the nomination process shall be initiated and candidates for the office shall file nominating petitions in the manner provided for nonpartisan office. The General Election shall serve as the nominating election. The City Elections Officer shall consult with the Secretary of State in adopting a schedule for filing nominating petitions and subsequent elections documents.~~

~~B. If a candidate nominated under the provisions of this Chapter receives a majority of the votes cast for the office at the General Election, that candidate shall be deemed elected. If no nominee receives a majority of the vote at a nominating election held at a General Election, the two candidates receiving the highest number of votes shall be in a runoff election, and the candidate receiving a majority of the votes shall be the winner. Any special runoff election required by this Chapter shall be according to provisions of Charter Section 2-206 for filling vacancies in office.~~

~~**2.08.170 Recall.**~~

~~Procedures and forms for A recall petition and election shall be according to is conducted consistent with state law.~~