

ORDINANCE NO. 3980

AN ORDINANCE REPEALING THE ELECTION PROVISIONS OF CHAPTER 2 OF THE BEAVERTON CODE AND ADOPTING NEW PROVISIONS TO MAKE MORE CONSISTENT WITH STATE LAW.

WHEREAS, the purpose of this ordinance is to eliminate unnecessary provisions and provisions which might conflict with State law, and

WHEREAS, in the absence of a specific City provision either in the Charter or this ordinance, City elections would be governed by whatever State law would be current at the time of an election, now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The Beaverton Code is amended by repealing the existing election provisions in their entirety and adopting new provisions, BC 2.06.305 through .515, to read as follows:

"GENERAL

"2.06.305 Title of Section. BC 2.06.305-2.06.515 shall be known as the Beaverton Election Code and may be referred to as "the Election Code."

"2.06.310 State Law to Control in the Absence of Local Provision.

A. In the absence of a specific provision under the Charter of the City of Beaverton or the Beaverton Election Code, the appropriate State law shall govern the conduct of City elections.

B. In the event that a section of the Beaverton Election Code or the City Charter differs from State law in an area that the State law permits local governments such variation, the Beaverton Election Code or City Charter shall govern.

C. In the event of a conflict between the Beaverton Election Code or City Charter and State law in an area that the State does not specifically permit local governments to vary from State law, State law shall govern.

D. If State law is silent on an issue and the Beaverton Election Code or City Charter regulates such issue, the Beaverton Election Code or City Charter shall govern the issue.

E. For purposes of the election code, "State law" means and includes Oregon legislative enactments, regulations adopted by the Oregon Secretary of State and judicial decisions, pertaining to elections. State law may from time to time be amended.

"2.06.315 Miscellaneous Provisions.

A. In all cases in which a document prescribed by the City Attorney is required or mentioned and the appropriate document is not available from the City Attorney, or a petition is required without specifying the form to be used, the appropriate form approved by the Oregon Secretary of State may be used.

B. The City Recorder is hereby designated as the City Elections Officer.

"NOMINATIONS

"2.06.320 Purpose. All regular elections held in the City for the election of elective officers shall be conducted in accordance with the Charter and BC 2.06.320 - .330.

"2.06.325 Petition. Each candidate for an elective City office shall file a petition for the office sought. The petition form shall be prescribed by the City Attorney and may be obtained in the office of the City Elections Officer.

"2.06.330 Requisite Number and Verification of Signatures. A nomination petition shall be signed by not less than ten and not more than 20 electors of the City and such signatures shall be verified by affidavit of an elector of the City. The form for the affidavit shall be prescribed by the City Attorney and may be obtained from the office of the City Elections Officer.

"INITIATIVE AND REFERENDUM

"2.06.400 When Elections Held. Unless another date is specifically authorized by State law or the City Charter or the Election Code, all Initiative and Referendum elections shall be held at the statewide November general election in even-numbered years.

"2.06.405 Supplement to State Procedure. BC 2.06.400 - .435 provide a supplement to State statutory procedures for the voters to exercise their initiative and referendum powers and for the Council to refer measures and proposed Charter amendments to the voters of the City. BC 2.06.400 - .435 are intended to differ from, and, by providing otherwise, render inapplicable certain portions of ORS 221.210 and ORS 250.255 - .355, the additional statutory provisions referred to therein, and such other applicable statutes as may be in effect from time to time, to the maximum extent permissible under the Oregon Constitution and the laws of the State of Oregon.

"2.06.410 Specific Supplemental Provisions Adopted. The following provisions are specifically adopted as procedures supplemental to those contained in applicable State law dealing with initiative and referendum:

A. A prospective petition, which is required before an initiative or referendum petition may be filed, shall be filed within two years of the date by which the completed petition must be filed.

B. The City Elections Officer shall review a prospective petition for an initiative and shall determine in writing within five business days of receipt of the prospective petition, in addition to compliance with Article IV, section 1(2)(d) of the Oregon Constitution, whether the proposed initiative deals with administrative matters. If the Elections Officer determines that the proposed initiative deals with administrative matters, the City Elections Officer shall follow the same procedures established under ORS 250.270, or other applicable Oregon law, to be applied after a determination that a proposed initiative does not meet the requirements of section 1(2)(a), Article IV of the Oregon Constitution.

"REFERENDUM

"2.06.420 Manner of Referring Measure. The manner of referring a measure or proposed Charter amendment for referendum shall be:

A. For a person to deposit at the office of the City Elections Officer a duly prepared referendum petition for the measure, or

B. For the Council to order submission of the measure or proposed Charter amendment to the voters as provided below.

"2.06.425 Form of Referendum Petition.

A. No referendum petition shall be considered duly prepared unless it is in the form prescribed by the City Attorney and which will be kept on file in the office of the City Elections Officer.

B. Only the first 20 names appearing on any signature sheet of a petition will be considered in computing the number of valid signatures to the petition.

"2.06.430 Referring A Charter Amendment or Measure Proposed by Council. A Charter amendment or measure proposed by the Council shall be submitted to the qualified voters of the City by resolution of the Council calling for an election as permitted by State law. Any such resolution shall contain the ballot title for the proposed measure or Charter amendment. The election for such Charter amendment or referendum shall be held at the next available date as specified by State law, or, if the Council shall declare an emergency, on a date that the Council selects, subject to the provisions of State law. The Council may not refer a measure after its effective date.

"VOTERS' PAMPHLET

"2.06.460 Voters' Pamphlet; Contents.

A. The City Elections Officer shall cause a voters' pamphlet to be prepared and printed for all City candidacies and measures submitted to the voters of the City at a primary or general biennial election. If the Council, pursuant to this Code, causes a measure or proposed Charter amendment to be submitted to the voters at a special election other than a primary or general biennial election, a voters' pamphlet may be provided for by a resolution of the Council, setting forth its contents and the manner and means for its distribution consistent with this chapter.

B. For the required voters' pamphlet, there shall be included, at a minimum:

1. For a Measure. The full text, ballot number, ballot title, explanatory statement and any arguments filed relating to each measure or proposed Charter amendment to be submitted to the voters.

2. For a Candidate. Name of the candidate, office to which candidate seeks election and any statement of the reasons why the candidate should be nominated or elected.

"2.06.465 City to Adopt State Standards for Voters' Pamphlet.

Except as otherwise provided in BC 2.06.460 - .485, the City specifically adopts for voters' pamphlets in City elections the standards for voters' pamphlets for State elections enacted by the State.

"2.06.470 Purchase of Space. Any individual candidate or a person or group opposing or supporting a measure may purchase not less than one half page and not more than one full page for their submitted material. The cost of the space shall be set by resolution of the Council.

"2.06.475 Submission of Material; Deadline. All material for inclusion in the voters' pamphlet shall be submitted to the City Elections Officer by the times specified for the voters' pamphlet for the equivalent State election. If there is no equivalent State election, all materials for inclusion in the voters' pamphlet shall be submitted to the City Elections Officer not later than 5 p.m. on the same numbered day prior to the election that would apply to the statewide primary election.

"2.06.480 Argument Authorship; Disclaimer. The City Elections Officer shall include in any voters' pamphlet on the page of the printed argument on a measure or proposed Charter amendment the name of the person who submitted the argument, the name of the organization the person represents, if any, whether the argument supports or opposes the measure or proposed Charter amendment, and a disclaimer in substantially the following form:

'The printing of this argument does not constitute an endorsement by the City of Beaverton, nor does the City warrant the accuracy or truth of any statement made in the argument.'

"2.06.485 Distribution of Voters' Pamphlet. The City Elections Officer, not later than the 30th day preceding the election, shall cause a copy of the voters' pamphlet to be mailed to each household in the City in which at least one registered voter resides and shall cause additional copies to be made available at the Beaverton post office and Beaverton City Hall offices. The most recent voters' pamphlet registration records shall be used to determine the household addresses.

"ELECTION RESULTS

"2.06.500 Proclamation of Elections Officer.

A. Immediately upon the certification of the votes on a measure or proposed Charter amendment submitted to the voters pursuant to any provision(s) of the Beaverton Election Code or State law, the elections officer shall issue a proclamation:

1. recapitulating the vote of the measure or proposed Charter amendment;

2. declaring whether the vote shows a majority of those who voted on the measure or proposed Charter amendment to be in favor of it; and

3. in case the vote shows a majority of them to be in favor of the measure or proposed Charter amendment, declaring the approved measure or Charter amendment as the law on the effective date of the measure or Charter amendment;

4. in case the election involves a new or increased tax or an increased fee and the election was not held at the November general election in an even-numbered year, declaring whether a sufficient number of voters have voted in accordance with requirements of State law to enable the tax or fee increase or new tax or fee to be imposed.

B. The elections officer shall give public notice of the proclamation by publishing it once in a newspaper of general circulation in the City or by posting copies of it in three public places in the City, including City Hall.

C. The proclamation shall be filed by the City Recorder with the measure or Charter amendment.

"2.06.505 Effective Date of Measure or Proposed Charter Amendment. A measure or proposed Charter amendment submitted to the voters pursuant to BC 2.06.400 - .435 shall take effect only when approved

by a majority of the voters voting on it.

"2.06.510 Measures Subject to Referendum. A measure, so long as it is subject to referral, shall have no effect.

"2.06.515 Conflicting Measures or Charter Amendments. Of conflicting measures or Charter amendments approved by the voters of an election, the one receiving the greater number of affirmative votes shall be paramount."

Section 2. The following sections of the Beaverton Code are hereby repealed:

2.06.010, 2.06.012, 2.06.014, 2.06.016, 2.06.018, 2.06.020, 2.06.100,
2.06.102, 2.06.103, 2.06.104, 2.06.106, 2.06.108, 2.06.110, 2.06.112,
2.06.114, 2.06.116, 2.06.118, 2.06.120, 2.06.122, 2.06.124, 2.06.126,
2.06.128, 2.06.130, 2.06.132, 2.06.134, 2.06.136, 2.06.138, 2.06.140,
2.06.142, 2.06.152, 2.06.154, 2.06.160, 2.06.162, 2.06.164, 2.06.166,
2.06.168, 2.06.200, 2.06.202, 2.06.204, 2.06.206, 2.06.208, 2.06.210,
2.06.212, 2.06.214.

First reading this 2nd day of April, 1997.

Passed by the Council this 28th day of April, 1997.

Approved by the Mayor this 29th day of APRIL, 1997.

ATTEST:

Darleen Coeburn
DARLEEN COGBURN, City Recorder

APPROVED:

Rob Drake
ROB DRAKE, Mayor