

AN ORDINANCE AMENDING CHAPTER 2 OF THE BEAVERTON CITY CODE
TO ADOPT PROCEDURES FOR
REVIEWING CANDIDATE STATEMENTS IN
CITY VOTER'S PAMPHLET.

WHEREAS, a candidate for public office in Oregon may discuss his or her qualifications and background in a public circular known commonly as the voter's pamphlet; and

WHEREAS, the Charter of the City of Beaverton provides that the City shall publish a voter's pamphlet for any primary, general, or special election; and

WHEREAS, Chapter VI, Section 30.B of the Charter also authorizes the Council to verify a claim that a candidate or official stood for election upon a material misstatement in the voter's pamphlet, and further provides that Council shall remove a person from office upon so finding; and

WHEREAS, a voter's pamphlet misstatement submitted by a candidate or on behalf of a candidate being a matter of citywide importance, it is appropriate to create a public process for the consideration of such a misstatement; now, therefore,

BE IT ORDAINED BY THE CITY OF BEAVERTON:

Section 1. The Beaverton Code is amended in Chapter 2 by adding the following sections.

2.06.487 Voter's pamphlet submission requirements. To accept a statement for publication in the voter's pamphlet, whether submitted by the candidate or on behalf of a candidate:

1. The candidate shall sign an affidavit that attests to the truthfulness of the voter's pamphlet submission statement.
2. The signed statement in subsection (1) shall also contain a provision that the candidate agrees to provide supporting information if requested by the City, and shall release and authorize third parties to participate in an investigation under this ordinance.

2.06.488 A candidate who makes a material misstatement of fact in a City voter's pamphlet is subject to civil and criminal causes of action as found in ORS 260.532 and ORS 260.715.

2.06.489 If the circuit court enters a judgment finding that a candidate has made a material misstatement of fact published in the City's voter's pamphlet, the City Council may nullify the election or nomination of that person.

Section 2. This ordinance is not intended to displace any other civil or criminal remedy allowed under law.

Section 3. Severability. If any part of this ordinance should be determined by any tribunal of competent jurisdiction to be unconstitutional, the remaining parts of the ordinance shall remain in full force and effect.

First reading this 10th day of September, 2007.

Passed by the Council this 17th day of September, 2007.


Approved by the Mayor this 18th day of September, 2007.

ATTEST



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor