

ORDINANCE NO. 4848

**AN ORDINANCE AMENDING BEAVERTON CODE CHAPTER 2.06
RELATING TO ELECTIONS AND DECLARING AN EMERGENCY**

Whereas, on May 19, 2020, the voters of Beaverton voted to adopt the Beaverton Charter of 2021;

Whereas, Section 5.4 of the 2021 charter states that the council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position;

Whereas, Chapter 2.06 of the Beaverton Code (BC) is the city's election code adopted by ordinance as required by city charter, and BC 2.06.330 and BC 2.06.335 describe how a person is nominated to run for mayor or a city councilor position in Beaverton;

Whereas, the city seeks to codify long-standing procedures regarding primary election held in Beaverton;

Whereas, the codification of the procedures regarding city primary elections affect any person who seeks to be nominated at the May 2024 primary election and therefore should be codified as soon as possible; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Repeal and replace. BC 2.06.330 is repealed in its entirety and replaced with the following:

2.06.330 Nomination and primary election.

A. The city must hold its biennial primary election for the nomination of candidates for the elective offices of the city on the same dates the State of Oregon holds its biennial primary elections.

B. A person seeking nomination for an elective office of the city must submit a candidate nominating petition to the city elections officer. The petition must be signed by not less than 10 and not more than 20 city electors. The nominating petition must be in a form prescribed by the city attorney and may be obtained from the office of the city elections officer.

C. The name of each candidate for city elective office for whom a nominating petition has been properly filed will appear on the primary election ballot.

D. If at the primary election one candidate for a city office receives a majority of the votes cast for that office, that candidate is elected to that office and is entitled to a certificate of election.

E. If at the primary election no candidate receives a majority of votes cast for the office, the two candidates receiving the two highest numbers of votes cast for the office will be the only candidates whose names appear on the ballot at that year's general election as candidates for that office.

F. The candidate who receives a majority of the votes cast for the office at the general election is elected to that office and is entitled to a certificate of election.

Section 2. Repeal. BC 2.06.335 is repealed in its entirety.

Section 3. Emergency. The codification of the procedures described in this ordinance affect those who seek to be nominated at the May 2024 primary election; therefore, an emergency is declared to exist, and this ordinance takes effect when adopted.

Section 4. Severability. The sections and subsections of this ordinance are severable. If any part of this ordinance is held unconstitutional or otherwise invalid by a court of competent jurisdiction, the remaining parts must remain in full force and effect unless:

A. The remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional or invalid part that it is apparent that the remaining parts would not have been enacted without the unconstitutional or invalid part; or

B. The remaining parts, standing alone, are incomplete and incapable of being executed according to the legislative intent.

First reading the 19th day of September 2023.

Public hearing the 3rd day of October 2023.

Adopted by the City Council the 3rd day of October 2023.

Signed by the Mayor the 5th day of October, 2023.

Attested:

Signed:

Sue Ryan

Lacey Beaty

Sue Ryan, City Recorder

Lacey Beaty, Mayor