

**CHAPTER 2.08 - ELECTION OF
CANDIDATES**

(Chapter replaced by Ordinance No., effective.)

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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. Overvotes do not indicate a clear and unmistakable ranking for any particular candidate. Therefore, an overvote may not be interpreted as a ranking of any of the overvoted candidates.
- 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 active 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 six 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 six, the number of available rankings will equal that total, unless the voting equipment can only accommodate a lower number of rankings as described in Subsections a. and b. below. 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 six 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, except that if the maximum number is greater than the total number of filed candidates and write-in lines for a contest, the number of available rankings in that contest will equal that total.
 - 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 six 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, except that if the maximum number is greater than the total number of filed candidates and write-in lines for a contest, the number of available rankings in that contest will equal that total.
- 2.** Write-ins. Voters may rank write-in candidates. Voters are given as many write-in lines as there are seats to fill in the contest. For example, in a contest to fill three Councilor seats in the same district, voters will be provided three write-in candidate lines.
- 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 elections officer or officers responsible for tabulating the contest. The result of the tie resolution must be recorded and reused in the event of a recount.

B. Instant Runoff Form of Ranked Choice Voting (For Mayor, Auditor, and Single Councilor).

1. Application. The instant runoff form of ranked choice 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 Form of Ranked Choice Voting (For Multiple Councilors).

1. Application. The single transferable vote form of ranked choice voting is used in any contest to fill multiple Councilor seats in the same district.
2. Tabulation. Each active ballot counts, at its current transfer value, 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 (as calculated in Subsection b.(1) below). Tabulation for each contest proceeds in rounds as follows:

- a. If the number of elected candidates is equal to the number of seats to be filled in a contest, tabulation for that contest is complete. Alternatively, 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) For the purpose of tabulating future rounds, a candidate elected under this Subsection shall be considered 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.

By no later than 7 calendar days before the date of an election, an eligible elector wishing to run as a write-in candidate in that election 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. No later than 4 calendar days before the date of an election, the city shall provide the county elections officer or officers with a list of any write-in candidates that the city determines meet the qualifications for a contest, and individual write-in votes will be counted only for write-in candidates on that list.

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.