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

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

Sections:

2.08.010   Definitions.

~~(Repealed by Ordinance No. 177200, effective February 21, 2003.)~~

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   Applicability of State Law.
(Repealed by Ordinance No. 177200, effective February 21, 2003.)

2.08.030   City Elections Officer.
(Repealed by Ordinance No. 177200, effective February 21, 2003.)

2.08.020040   City Offices.
(Amended by Ordinance Nos. 177200 and 178799, effective November 5, 2004.)

A.   All elective city offices shall be are nonpartisan. Petitions or declarations of candidacy shall contain nNo reference to any political party affiliation. No reference to any political party affiliation shall 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 ~~Commissioners shall be nominated and~~ elected subject to ~~provisions in Charter Section 2-206 and~~ Charter Chapter 3, Article 1 and this Chapter. Vacancies are filled subject to Charter Section 2-206 and this Chapter.~~concerning filling vacancies in office and provisions in Code Chapter 2.08.160 concerning absence of a nominee after the Primary Election. If a City candidate receives a majority of the votes cast for an office at the Primary Election, the candidate shall be elected. If no candidate receives a majority of the votes cast for the office at the Primary Election, the two candidates receiving the highest number of votes for that office shall appear on the General Election ballot. The candidate receiving the majority of votes cast at the General Election shall be elected. In case no nomination is made at the Primary Election, nominations may be made at the General Election, and any candidate receiving a majority of votes shall be deemed elected at the General Election.~~

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.

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

(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.

(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.

2.08.040050   Qualifications of Candidates.
(Amended by Ordinance No. 177200, effective February 21, 2003.)

A. Eligible electors filing for city offices ~~shall~~ must 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 filing the declaration of candidacy or petition for nomination, for a period of not less than one year immediately preceding the nominating election.~~ Eligible electors filing for the city office of Auditor must also meet the qualifications described in Charter Section 2-502.

B. ~~In addition to the requirements of Section 2.08.050 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.~~

C. The ~~C~~city ~~E~~elections ~~O~~officer ~~shall~~ will reject ~~the~~ a filing for candidacy if the ~~C~~city ~~E~~elections ~~O~~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 not in compliance with the law or the requirements of this Chapter~~ does not comply with the law in any other way.

2.08.050~~060~~   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 nominating petition, or by certifying the elector's candidacy as a write-in.

B. A declaration of candidacy or a ~~A~~ nominating petition must be filed within the time set by state law. ~~or declaration of candidacy shall contain the name of only one candidate.~~

C. ~~No person shall file a nominating petition or 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 filing before a nominating petition or 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.~~

2.08.060~~070~~   ~~Filing by~~ Candidacy 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.~~

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~~080 ~~Filing by~~ Candidacy 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~~ an eligible elector 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. The city elections officer will provide a nominating petition consistent with state law.

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.

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

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

~~**2.08.110**~~   ~~**Statement of Candidates & Measures for Primary and General Elections Ballots.**~~

~~**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.

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

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.

2.08.120170   Recall.

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