

GENERAL ORDINANCE NO. 92-1150

AN ORDINANCE PROVIDING AN ELECTIONS CODE FOR THE CITY OF THE DALLES, DESIGNATING A METHOD OF NOMINATING CANDIDATES FOR MUNICIPAL ELECTED OFFICES, PROVIDING FOR EXERCISE OF THE RIGHTS OF INITIATIVE AND REFERENDUM, AND PROVIDING PENALTIES FOR VIOLATIONS, AND REPEALING GENERAL ORDINANCE NO. 81-1019

THE PEOPLE OF THE CITY OF THE DALLES DO ORDAIN AS FOLLOWS:

CHAPTER I. ELECTIONS GENERALLY.

Section 1. Short Title. The ordinance shall be known as the "City of The Dalles Elections Code".

Section 2. Purpose. The purpose of this ordinance is to provide a uniform, certain and convenient means for the exercise of voting by the people of the City. This ordinance shall be liberally construed to encourage the exercise of voting and to facilitate the processes of initiative, referendum and recall, and nomination and qualification of candidates for office.

Section 3. Elections Procedures Generally. The elections laws of the State of Oregon applicable to municipal elections, as set forth in the provisions of ORS Chapters 221 and 246 through 260, as now constituted, except as modified by this ordinance, are hereby adopted as the elections code for the City of The Dalles. In the event that any portion of this ordinance is found invalid for any reason by a court and there exists a corresponding procedure or requirement in the state law or the regulations pursuant thereto adopted by the Secretary of State, the corresponding state elections procedure shall be applied to determine the validity of any matter in question. Any elections matter not specifically addressed by this code shall be governed by state law.

CHAPTER II. NOMINATION OF CANDIDATES FOR ELECTIVE OFFICES.

Section 1. Elective Offices Non-Partisan, Elections by District or At-Large. The elected offices of the City consist of the office of Mayor and the office of Councilor. The office of Mayor and one of the five Councilors shall be nominated and elected by vote of all of the citizens of the City qualified and registered to vote under the laws of the State of Oregon regardless of the district in which the voter resides. These offices are "At-Large" offices, and the

City Council position nominated and elected at-large shall be designated as "Councilor-at-large" upon all

1-37.II.1

City of The Dalles Ordinances

1-37.II.3

nominating petitions, ballots, election notices and campaign materials. The four remaining City Council positions are nominated from districts, two from the west district (numbered 1 and 2), and two from the east district (numbered 3 and 4). The positions are elected at large. Positions elected by district shall be designated by position number upon all nominating petitions, ballots, election notices and campaign materials. All elected offices shall be non-partisan offices. No person shall designate a political party affiliation, or claim a political party endorsement or use the name of a political party upon any nominating petition, ballot or election notice. [As Amended by Ordinance No. 94-1179, passed April 11, 1994.]

Section 2. Method of Nominating Candidates for At-Large Offices. Candidates for at-large offices shall be nominated by individual voters by filing with the City Clerk of the City of The Dalles, not more than 250 days and not less than 84 days before the date fixed by law for any general election, a certificate of nomination, signed by not less than 100 legally qualified voters of the City of The Dalles, certified as voters by the County Clerk of Wasco County, Oregon or by the candidate paying a fee of \$25.00 to the City of The Dalles. [As amended by Ordinance No. 94-1179, passed April 11, 1994 and Ordinance No. 05-1260, adopted March 28, 2005.]

Section 3. Method of Nominating Candidates for District Offices.

a) Candidates for district offices shall be nominated by individual voters by filing with the City Clerk of the City of The Dalles, not more than 250 nor less than 84 days before the date fixed by law for any general election, a certificate of nomination signed by not less than 25 legally qualified voters of the City of The Dalles residing within the district from which the candidate is seeking election, certified as voters by the County Clerk of Wasco County, Oregon or by the candidate paying a fee of \$25.00 to the City of The Dalles. [As amended by Ordinance No. 05-1260, adopted March 28, 2005.]

b) Pursuant to Chapter III, Section 8 of the 1994 The Dalles Charter, the City is hereby divided into two districts, to be known as the West District and the East District. The boundary line which divides the two districts is described as follows:

Beginning at the point of intersection of the Northerly City Limits line with the Northerly extension of the centerline of Jefferson Street; thence running Southerly along said extension and the centerline of Jefferson Street to its intersection with the Easterly extension of the centerline of East 5th Street, which line also represents the eastern boundary of precinct 83; thence Southerly in a straight line to Kelly Avenue; thence Southerly along the centerline of Kelly Avenue to its

intersection with East 16th Place; thence following along the eastern boundary of precinct 84 to the Southerly City Limits line.

1-37.II.3

City of The Dalles Ordinances

1-37.III.2

1) The East District shall include all of precincts 85, 87, 88, 89, and the portion of precinct 86 from the centerline of Kelly Avenue East to the Eastern boundary of precinct 86. The West District shall include all of precincts 80, 81, 82, 83, and 84, and the portion of precinct 86 from the centerline of Kelly Avenue West to the Western boundary of precinct 86.

2) The East and West Districts, and the boundary line dividing the two districts, are shown on the map attached as Exhibit "A", and by this reference incorporated herein and made a part of this ordinance.

[Section 3 amended by Ordinance No. 94-1179, passed April 11, 1994.]

Section 4. Nomination Petitions. Pursuant to ORS 249.009(2), as now constituted, nomination petitions shall be in the form designated by the Secretary of State. Documents which do not comply may be refused by the Clerk. The City Clerk shall forward petitions of nomination and acceptance to the County Clerk of Wasco County to be placed upon the ballot in the manner provided for by State law. If state law is not applicable, the petitions shall be submitted in the same manner as Charter amendments and ballot measures.

Section 5. Death, Ineligibility or Withdrawal of the Candidate. In the case of death, ineligibility or withdrawal of a candidate, the procedures set forth in ORS Chapter 249, as now constituted, shall be applicable except that either the County Clerk or the City Clerk may remove the name of a deceased candidate from the ballot or may place a "deceased" designation over the candidate's name on the ballot regardless of proximity to the election, if in the Clerk's judgment, removal or designation can be accomplished.

Section 6. Recall. The procedures for recall of a public officer contained in ORS Chapter 249, as now constituted shall be followed except that petitions shall be filed with the City Clerk and verified by the County Clerk.

CHAPTER III. INITIATIVE AND REFERENDUM.

Section 1. State Procedures Adopted. Pursuant to ORS 221.210 and 250.255, as now constituted, the initiative or referendum powers regarding a city measure under Section 1, Article IV, of the Oregon Constitution, shall be exercised in accordance with the provisions of ORS 250.265 to 250.355, as now constituted. The City Council may refer and the people may initiate municipal measures or amendments to the City Charter as provided for in ORS 250.265 to 250.355, as now constituted.

Section 2. Advisory Ballots. The City Council may, by resolution, call for an advisory ballot on any matter of municipal concern. An election called for pursuant to this section shall

be conducted pursuant to the procedures set forth in ORS 250.265 to 250.355, as now constituted. The Ballot title of all advisory measures shall be clearly labeled with the word (ADVISORY) and any explanation shall contain the phrase, "The measure is advisory only, and the City is not

1-37.III.2

City of The Dalles Ordinances

1-37.IV

bound to enact or repeal any law regardless of the outcome of this election". The Ballot titles of initiated or referred measures shall contain the word initiative or referendum as appropriate.

CHAPTER IV. SAVINGS CLAUSE AND REPEAL

Section 1. Repeal. General Ordinance No. 81-1019 is hereby repealed.

Section 2. Savings Clause. General Ordinance No. 81-1019, repealed by this ordinance, shall remain in force and effect concerning any matter involving election procedures, until the effective date of this ordinance.

Passed by the Council this 6th day of July, 1992.

Approved by the Mayor this 6th day of July, 1992.