

CHAPTER 5: ELECTIONS

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Cross-reference:

Elections, see Charter §§ 11.10 through 11.50

Statutory reference:

Conduct of elections, see ORS, Ch. 254

VACANCIES IN OFFICE

passed, 09/20/1985; Ord. 211, passed, 11/29/1979; Ord. 68, passed, 03/29/1973)

§ 5.000 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context requires a different meaning.

COUNTY LEGISLATION. Any ordinance that has been or lawfully may be enacted by the County, and any proposed amendment, revision or repeal of the Charter. It does not include any property tax or bond measure, any emergency ordinance or any part of an ordinance that deals with purely administrative matters.

DIRECTOR. The Director of the Division of Elections of the County, or authorized representative.

ELECTIVE OFFICE.

- (1) Chair;
- (2) Auditor;
- (3) Commissioner; and
- (4) Sheriff.

ELECTOR. Any person eligible under state law to vote in the County.

MEASURE. Any County legislation, or property tax or bond measure proposed for adoption, amendment, revision, repeal or referral through the initiative or referendum procedures prescribed by this subchapter.

REGULAR ELECTION. Any election on a biennial primary or general election date.

SPECIAL ELECTION. Any election date established by State law on a date other than a regular election date.

TERM OF OFFICE. The term of office of the last person elected to the office that is vacant.

(Ord. 1215, Amended, 03/19/2015, Ord. 965, Amended, 09/13/2001; ' 90 Code, § 4.30.010, 07/01/1998; Ord. 478,

(S-1 2017)

§ 5.001 VACANCY IN OFFICE.

A county elective office becomes vacant:

(A) Upon the incumbent's:

- (1) Death;
- (2) Adjudicated incompetence;
- (3) Conviction of a felony, other offense pertinent to the office, or unlawful destruction of public records;

(4) Resignation from office;

(5) Recall from the office; or

(6) Ceasing to reside within the county or if a commissioner, within the commissioner district, or inability to obtain a corporate surety bond as required under Charter § 4.10(2);

(B) Upon the failure of the person elected or appointed to the office to qualify for it within ten days after the time for the term of office to commence;

(C) In the case of a member of the Board, upon absence:

- (1) From the county for 30 consecutive days without the consent of the Board; or
- (2) From Board meetings for 60 consecutive days without like consent; or

(D) In the case of the Chair, upon absence from the county for 30 consecutive days without consent of the Board.

Cross-reference:

Board of County Commissioners, see Chapter 3

(Ord. 1215, Amended, 03/19/2015, Ord. 965, Amended, 09/13/2001; ' 90 Code, § 4.30.020, 07/01/1998; Ord. 478, passed, 09/20/1985; Ord. 211, passed, 11/29/1979; Ord. 68, passed, 03/29/1973)

§ 5.002 FILLING OF VACANCY.

(A) Upon becoming aware of a vacancy in an elective office, the Board must promptly determine and declare the date of vacancy.

(B) If a vacancy occurs in an elective office of the county and the term of office expires one year or more after the vacancy occurs, then a person will be elected at the next May or November election for which the state law filing requirement can be met to fill the vacancy for the remainder of the term of office.

(C) If a vacancy occurs in an elective office of the county and the term of office expires less than one year but 90 days or more after the vacancy occurs, then the Board shall appoint a person to fill the vacancy for the remainder of the term of office.

(D) If a vacancy occurs in an elective office of the county and the term of office expires less than 90 days after the vacancy occurs, the vacancy shall not be filled.

(Ord. 1215, Amended, 03/19/2015, Ord. 965, Amended, 09/13/2001; ' 90 Code, § 4.30.030, 07/01/1998; Ord. 478, passed, 09/20/1985; Ord. 211, passed, 11/29/1979; Ord. 68, passed, 03/29/1973)

§ 5.003 DESIGNATION OF INTERIM ELECTIVE OFFICERS.

(A) *Purpose.*

(1) When a vacancy occurs in elective county offices, vacancies must be filled by election or appointment, depending on the time remaining before expiration of the affected terms of office.

(2) If there is a vacancy in an elective office, an interim occupant of the office will serve until the vacancy is filled by election or appointment. The Charter requires that the Board prescribe procedures to designate interim occupants of elective offices.

(B) *Interim Officer Designation.*

(1) County elected officials must each designate a person to perform their responsibilities. The designation must be in writing and filed with the clerk of the Board. If the Board does not confirm the designated person by a majority vote within 60 days of filing, the designating elected official must designate another person for Board confirmation.

(2) When there is a vacancy, the designated person shall serve as acting Chair, Commissioner, Auditor, or Sheriff until the vacancy is filled by election or appointment, as appropriate under the Charter.

(3) If a person for an elective office has not been designated, or if the designated person is unable to immediately serve, the Board must promptly meet to fill the vacancy on an interim basis. The appointment must be in writing and filed with the clerk of the Board.

(4) All persons designated to fill elective offices on an interim basis must meet the Charter qualifications for appointees to such offices.

(Ord. 1215, Amended, 03/19/2015, Ord. 965, Amended, 09/13/2001; Ord. 923, passed, 01/14/1999; ' 90 Code, § 4.30.035, 07/01/1998; Ord. 716, passed, 03/26/1992)

§ 5.004 APPOINTMENT BY BOARD.

(A) In filling a vacancy, the Board may make such inquiries and interviews as it considers necessary to select the appointment. The appointment must be made at a regular or special Board meeting.

(B) The Board will use the following procedures in the appointment process:

(1) Public notice must be given to appropriate neighborhood organizations, cities, civic groups, a newspaper of general circulation and other recognized groups.

(2) A deadline must be established for submitting applications at least two weeks after such notice.

(3) The person to fill the vacancy must be appointed from those applicants nominated and seconded for consideration by members of the Board. The Board clerk will announce the results of each ballot and will record each commissioner's ballot. An applicant who receives a majority of the votes by the current Board members will be appointed to the vacant position. If no applicant receives a majority vote on the first ballot, the Board shall continue to vote on the two applicants who receive the most votes until an applicant receives a majority vote of the Board. (Ord. 1215, Amended, 03/19/2015, Ord. 965, Amended, 09/13/2001; ' 90 Code, § 4.30.045, 07/01/1998; Ord. 478, passed, 09/20/1985)

§ 5.005 ELECTION TO FILL VACANCY.

(A) If an election is required to fill a vacancy, the Board must call such an election on the next May or November election date for which the state law filing requirements can be met.

(B) The Board may call an emergency election if it has been demonstrated that the public interest would be harmed by waiting. The date of the emergency election must allow sufficient time to meet the requirements of § 5.006. (Ord. 1215, Amended, 03/19/2015, Ord. 965, Amended, 09/13/2001; ' 90 Code, § 4.30.055, 07/01/1998; Ord. 881, passed, 06/26/1997; Ord. 478, passed, 09/20/1985)

§ 5.006 NOMINATION TO FILL VACANCY.

(A) Nomination for election to fill a vacancy must be made by the petition or declaration method established by state law for the selection of candidates for nomination at a primary election. The Board must set a filing deadline at the time it calls an election. The filing deadline must not be later than the 70th day before the May election, or the 61st day before a November election. (Ord. 1215, Amended, 03/19/2015, Ord. 965, Amended, 09/13/2001; ' 90 Code, § 4.30.065, 07/01/1998; Ord. 881, passed, 06/26/1997; Ord. 478, passed, 09/20/1985)

§ 5.007

(Ord. 1337, Deleted, 07/24/2025; Ord. 1215, Amended, 03/19/2015, Ord. 965, Amended, 09/13/2001; ' 90 Code, § 4.30.080, 07/01/1998; Ord. 881, passed, 06/26/1997; Ord. 616, passed, 04/27/1989)

INITIATIVE AND REFERENDUM

§ 5.100 PROSPECTIVE PETITION.

(A) Before circulating among the electors a petition proposing an initiative or referendum for county legislation, the chief petitioners must file a prospective petition with the director. The prospective petition must contain each of the following:

(1) The signatures, printed names and mailing addresses of not less than one and not more than three chief petitioners, all of whom must be electors of the county;

(2) In the case of initiative petitions, the text of the county legislation proposed for adoption, amendment, revision or repeal, and, where applicable, the title, ordinance number, and charter or code section numbers proposed for amendment, revision or repeal;

(3) In the case of referendum petitions, the text of the county legislation proposed for referral, and where applicable, the title, ordinance number or code section numbers of the county legislation proposed for referral; and

(4) Whether one or more persons will be paid for obtaining signatures on the petition.

(B) The director must inscribe the date of filing upon any prospective petition filed in the director's office.

(C) Prior to the conclusion of the fifth business day after a prospective petition for referendum or initiative is filed and complies with the requirements of this subchapter and other applicable law, the director will review the text of the proposed initiative or referendum to determine whether it complies with the single subject requirement and determine if the initiative or referendum proposes “county legislation.”

(Ord. 1215, Amended, 03/19/2015; Ord. 965, Amended, 09/13/2001; ‘ 90 Code, § 4.51.020, 07/01/1998; Ord. 881, passed, 06/26/1997; Ord. 212, passed, 11/29/1979; Ord. 167, passed, 07/06/1978)

§ 5.101 BALLOT TITLE; APPEAL.

(A) (1) If the proposed petition meets the requirements of § 5.100(C), the director will transmit two copies of the prospective petition to the county attorney. The county attorney has five business days after receiving the prospective petition to prepare a ballot title for the proposed measure and an explanatory statement for the voter's pamphlet. The ballot title must conform to the requirements of state law.

(2) The explanatory statement must consist of an impartial, simple and understandable statement explaining the measure and its effect. The explanatory statement shall not exceed 500 words.

(3) After preparing the ballot title and explanatory statement, the county attorney will immediately return one copy of the prospective petition, ballot title and explanatory statement to the director and one copy to one of the chief petitioners.

(B) After receiving a ballot title and explanatory statement for a county measure to be referred or initiated from the county attorney, the director must publish in the next available edition of a newspaper of general circulation in the county a notice of receipt of the ballot title and explanatory statement. The notice must state that an elector may file a petition for review of the ballot title or explanatory statement not later than the date referred to in subsection (C).

(C) After receiving the prospective petition, ballot title and explanatory statement from the county attorney, the director must inscribe the

date of receipt on it. Within seven business days after that date, any elector may petition the circuit court for the county to challenge the ballot title or explanatory statement prepared by the county attorney. After the seven-day period, or following the final adjudication of any challenge, the director must certify the ballot title as prepared by the county attorney or as prescribed by the court to one of the chief petitioners.

(D) Any person filing a petition to challenge a ballot title or explanatory statement with the circuit court must file a copy of the challenge with the director not later than the end of the business day next following the date the petition is filed with the circuit court. This requirement does not invalidate a petition that is timely filed with the circuit court.

(E) The procedures set forth in subsections (A) through (D) for preparation of, and challenges to, ballot titles and explanatory statements are not a prerequisite to the circulation of petitions for referendum measures under § 5.102. Ballot titles need not be stated on petitions circulated to propose referendum measures.

(Ord. 1215, Amended, 03/19/2015; Ord. 965, Amended, 09/13/2001; ‘ 90 Code, § 4.51.030, 07/01/1998; Ord. 881, passed, 06/26/1997; Ord. 601, passed, 12/27/1988; Ord. 212, passed, 11/29/1979; Ord. 167, passed, 07/06/1978)

§ 5.102 PETITION AND CIRCULATION REQUIREMENTS.

(A) After the requirements of § 5.100(C) are met for referendum petitions, and after the requirements of § 5.101(C) are met for initiative petitions, the chief petitioners may circulate a petition for the measure among the electors. The petition (cover sheet and signature sheet) must conform to the requirements of state law.

(B) The petition identification number will be assigned by the director.

(C) Each signature sheet of a referendum petition must contain the title, ordinance number or code section numbers of the county legislation proposed by referral and the date it was adopted by the Board.

(D) No signature sheet may be circulated by more than one person. Each signature sheet must contain a statement signed by the circulator that each elector who signed the sheet did so in the circulator's presence, and, to the best of the circulator's knowledge, each such elector is a legal voter of the county and that the information placed on the sheet by each such elector is correct.

(Ord. 1215, Amended, 03/19/2015, Ord. 965, Amended, 09/13/2001; '90 Code, § 4.51.040, 07/01/1998; Ord. 881, passed, 06/26/1997; Ord. 601, passed, 12/27/1988; Ord. 298, passed, 02/25/1982; Ord. 167, passed, 07/06/1978)

§ 5.103 FILING AND PERCENTAGE REQUIREMENT; VERIFICATION.

(A) The director will accept for signature verification in accordance with this subchapter only petitions that comply with the requirements of this subchapter and other applicable law.

(B) No petition may be accepted for filing unless it contains at least the required number of verified signatures to submit the measure to the electors, as prescribed by subsections (G), (H) or (I).

(C) No initiative petition may be accepted for signature verification more than six months after the date of the director's certification under § 5.101(C).

(D) Any petition to refer legislation adopted by the Board must be submitted for signature verification not more than 90 days after the Board's adoption of such legislation.

(E) An initiative or referendum petition may not be accepted for signature verification if it contains less than 100% of the required number of signatures.

(F) Upon the acceptance of a petition, the director must verify the signatures thereon. Such verification may be performed by random sampling in a manner approved by the Secretary of State. Within 30 days after the director's acceptance of a petition, the director must certify to the Board whether the petition contains a sufficient number of qualified signatures to require the submission of the proposed measure to the electors, and also state in the certificate the number of qualified signatures

prescribed by subsections (G), (H) or (I) to require the proposed county legislation to be submitted to the electors. The petition will be considered filed as of the date of the director's certification.

(G) An initiative measure proposing the amendment, revision or repeal of the Charter, or parts thereof, will be submitted to the electors if the number of qualified signatures on the petition equals or exceeds 8% of the total number of votes cast in the county for all candidates for governor of Oregon at the last general election at which the office of governor was filled for a four-year term.

(H) An initiative measure proposing the adoption, amendment or repeal of any other county legislation, or parts thereof, will be submitted to the electors if the number of qualified signatures on the petition equals or exceeds 6% of the total number of votes cast in the county for all candidates for governor at the last general election at which the office of governor was filled for a four-year term.

(I) A referendum measure will be submitted to the electors if the number of qualified signatures on the petition equals or exceeds 4% of the total number of votes cast in the county for all candidates for governor at the last general election at which the office of governor was filled for a four-year term.

(Ord. 1215, Amended, 03/19/2015, Ord. 965, Amended, 09/13/2001; '90 Code, § 4.51.050, 07/01/1998; Ord. 881, passed, 06/26/1997; Ord. 601, passed, 12/27/1988; Ord. 167, passed, 07/06/1978)

§ 5.104 MEASURES REFERRED BY BOARD.

(A) The Board may directly refer to the electors any county legislation adopted by it and any proposed property tax or bond measure, and may directly refer to the electors proposed amendments, or revisions or the repeal of the Charter or parts thereof. The Board must refer all amendments proposed by the Charter Review Committee.

(B) The county attorney will prepare a ballot title and explanatory statement that conforms to the requirements of state law. The Board will certify and file the ballot title and explanatory statement, and file them with the director.

(C) The director will publish in the next available edition of a newspaper of general circulation in the county a notice of receipt of the ballot title and explanatory statement, notice that any elector may file a petition for review of the ballot title or explanatory statement, the deadline for filing the petition and notifying the director, and information on how to obtain a copy of the ballot title.

(D) Any elector may petition the circuit court to challenge the ballot title or explanatory statement certified by the Board. Such petition must be filed with the circuit court within seven (7) business days of the Board's filing of the ballot title with the director. Any person filing a petition must submit a copy of the petition to the director not later than the end of the business day following the date the petition is filed with the circuit court. This requirement does not invalidate a petition that is timely filed with the circuit court.

(E) If no petition is timely filed under section (D), the Board may certify the ballot title and explanatory statement as specified by state law. (Ord. 1215, Amended, 03/19/2015, Ord. 965, Amended, 09/13/2001; ' 90 Code, § 4.51.060, 07/01/1998; Ord. 881, passed, 06/26/1997; Ord. 626, passed, 08/10/1989; Ord. 601, passed, 12/27/1988; Ord. 212, passed, 11/29/1979; Ord. 167, passed, 07/06/1978)

§ 5.105 ADOPTION OR ELECTION.

(A) Upon receiving the director's certification that a petition has been filed with sufficient qualified signatures to require the proposed county legislation to be submitted to the electors under § 5.103(F), the Board may either by ordinance adopt the proposed legislation or call an election for submission of the legislation to the electors. The Board may also call an election to submit county legislation to the electors upon referral under § 5.104.

(B) The Board must call the election on the next election date available under state law that is not sooner than the 90th day after the date of the director's certificate of sufficient signatures. For a Board referral, the election on the referendum of county legislation must be held on the next election date available under state law.

(Ord. 1215, Amended, 03/19/2015, Ord. 965, Amended, 09/13/2001; ' 90 Code, § 4.51.070, 07/01/1998; Ord. 881, passed, 06/26/1997; Ord. 626, passed, 08/10/1989; Ord. 601, passed, 12/27/1988; Ord. 298, passed, 02/25/1982; Ord. 167, passed,

07/06/1978)

§ 5.106 ELECTION NOTICE AND PROCEDURE.

(A) Notice of elections on measures to be submitted to the electors on regular or special election dates must be given in accordance with state law.

(B) Measures referred by the Board will be designated on the ballot: "Referred to the People by the Board of County Commissioners."

(C) Measures proposed by referendum petition will be designated on the ballot: "Referred by Petition of the People."

(D) Measures proposed by initiative petition will be designated on the ballot: "Proposed by Initiative Petition."

(E) Within 20 days following any election, the director must certify the election results to the Board. The Board must canvass the vote and enter its proclamation of the results in its minutes.

(F) A measure adopted by the electors takes effect 30 days after the election, unless such measure expressly provides a later effective date.

(Ord. 1215, Amended, 03/19/2015, Ord. 965, Amended, 09/13/2001; ' 90 Code, § 4.51.080, 07/01/1998; Ord. 881, passed, 06/26/1997; Ord. 601, passed, 12/27/1988; Ord. 167, passed, 07/06/1978)

§ 5.107 STATE LAW APPLIES.

Applicable provisions of state elections law dealing with matters not regulated by this subchapter apply to initiative and referendum procedures on county legislation, together with this subchapter. The provisions of this subchapter prevail over any conflicting provisions of state law.

(Ord. 1215, Amended, 03/19/2015, Ord. 965, Amended, 09/13/2001; ' 90 Code, § 4.51.090, 07/01/1998; Ord. 881, passed, 06/26/1997; Ord. 167, passed, 07/06/1978)

CAMPAIGN FINANCE**§ 5.200- DEFINITIONS.**

Unless otherwise indicated by the text or context of MCC 5.200 through MCC 5.206, the following terms used in MCC 5.200 through MCC 5.206 shall have the definitions below or set forth in the Contribution Limit and Disclosure Administrative Rules (CLDR). Terms defined below and in CLDR are capitalized in MCC 5.200 through MCC 5.206.

CANDIDATE. Has the meaning set forth in CLDR.

CANDIDATE COMMITTEE. Has the meaning set forth in CLDR.

CLDR. Means Contribution Limit and Disclosure Administrative Rules.

CLEARLY IDENTIFIED. Means (i) the name of the Candidate involved appears; (ii) a photograph or drawing of the Candidate appears; or (iii) the identity of the Candidate is apparent by unambiguous reference.

COMMUNICATION.

(A) Means any written, printed, digital, electronic or broadcast communications in support of or opposition to a Clearly Identified Candidate in a Multnomah County Candidate Election but does not include communication:

- (1) that is funded using a total of \$366 or less;
- (2) by means of small items worn or carried by Individuals;
- (3) bumper stickers;
- (4) Small Signs; or
- (5) a distribution of five hundred (500) or fewer substantially similar pieces of literature within any 10 business-day period.

(B) For purposes of this definition, written, printed, digital, electronic or broadcast communications include but are not limited to text messages; videos; websites; Social Media posts; emails; graphics with interchanging formats or photos; still photos transmitted electronically; and automated or autogenerated communications prepared by an Individual or Entity and distributed by volunteers using their own devices in support of or opposition to a Clearly Identified Candidate in a Multnomah County Candidate Election.

CONTRIBUTION. Has the meaning set forth in CLDR.

CREDIT UNION. Has the meaning set forth in CLDR.

DIRECTOR. Means the Multnomah County Director of Elections or their designee.

DOMINANT CONTRIBUTOR. Means any Individual or Entity which contributes more than \$1,223 during an Election Cycle to the Candidate Committee, Political Committee, or nonprofit.

DOMINANT INDEPENDENT SPENDER. Means any Individual or Entity which expends more than \$1,223 during an Election Cycle to support or oppose a particular Multnomah County Candidate.

ELECTION CYCLE.

(A) Generally, the period between an election at which a candidate is elected and the next election for that same office, disregarding any intervening primary or nominating election, any recall election, or any special election called to fill a vacancy.

(B) For any recall election: the period beginning the day that the recall election is called or declared and ending at midnight of the day of the recall election.

(C) For any special election called to fill a vacancy: the period beginning the day that the special election is called or declared and ending at midnight of the day of the election.

- (1) The Election Cycle for a special election is inclusive of a special runoff election if no Candidate receives 50% plus one vote of votes cast at an election to fill a vacancy.

ENTITY. Means any corporation, partnership, limited liability company, proprietorship, or other form of organization which creates an entity which is legally separate from an Individual, including Candidate Committees, Political Committees, and Small Donor Committees.

EXPENDITURE. Has the meaning set forth in CLDR.

EXTRANATIONAL INSTITUTION. Has the meaning set forth in CLDR.

FINANCIAL INSTITUTION. Has the meaning set forth in CLDR.

INDEPENDENT EXPENDITURE. Has the meaning set forth in CLDR.

INDIVIDUAL. Means a citizen or resident alien of the United States entitled to vote in federal elections; however, when this Amendment expresses a limitation or prohibition, "Individual" means any human being.

INSURED INSTITUTION. Has the meaning set forth in CLDR.

MEMBERSHIP ORGANIZATION. Means an incorporated or unincorporated nonprofit organization having members who pay dues or otherwise affirmatively join and support the organization.

MULTNOMAH COUNTY CANDIDATE ELECTION. Means an election, including a primary election, to select persons to serve (or cease serving) in public offices of Multnomah County.

POLITICAL COMMITTEE. Has the meaning set forth in CLDR.

PROMINENTLY DISCLOSE. Means that the disclosure will be readily comprehensible to a person with average reading, vision, and hearing faculties, with:

(A) any printed disclosure appearing in a type of contrasting color and in the same or larger font size as used for the majority of text in the printed material;

(B) any video disclosure remaining reading on the regular screen (not closed captioning) for not less than 4 seconds;

(C) any auditory disclosure spoken at a maximum rate of 5 words per second;

(D) any electronic message in type of a contrasting color in the same or larger font size as used for the majority of text in the message;

(E) any billboard or sign other than a Small Sign: in type of a contrasting color and not smaller than 10 percent of the height of the billboard or sign.

SMALL DONOR COMMITTEE. Means a Political Committee which has never accepted Contributions in amounts exceeding the Small Donor Committee qualifying amount in effect when the Contribution is accepted. The current Small Donor Committee qualifying amount is one hundred twenty-two dollars (\$122) per Individual contributor per calendar year.

SMALL SIGNS. Means a sign smaller than 6 square feet.

SOCIAL MEDIA. Has the meaning set forth in CLDR.

(Ord. 1319, Amended, 12/14/2023; Ord. 1289, Amended, 12/17/20; Ord. 1276, Amended, 11/07/2019; Ord. 1243, Added, 09/01/2017)

**§ 5.201 CONTRIBUTIONS IN
MULTNOMAH COUNTY
CANDIDATE ELECTIONS.**

(A) An Individual or Entity may make Contributions only as specifically allowed to be received in this Section.

(B) A Candidate or Candidate Committee may receive only the following contributions during any Election Cycle:

- (1) Not more than six hundred three dollars (\$603) from an Individual or Political Committee other than a Small Donor Committee;
- (2) Any amount from a Small Donor Committee; and
- (3) No amount from any other Entity.

(C) For purposes of subsection (A) and (B), a Contribution is not considered to have been made or received if refunded or declined:

- (1) Except as provided in subsection (C)(2), within 30 calendar days of the date of receipt by the Candidate or their Candidate Committee;
- (2) For a Contribution received during the period beginning 42 calendar days before a primary, general, recall, or special election, within seven calendar days of the date of receipt by the Candidate or their Candidate Committee.

(D) Individuals shall have the right to make Contributions by payroll deduction by any private or public employer upon the employer's agreement or if such deduction is available to the employees for any other purpose.

(Ord. 1319, Amended, 12/14/2023; Ord. 1243, Added, 09/01/2017)

**§ 5.202 EXPENDITURES IN
MULTNOMAH COUNTY
CANDIDATE ELECTIONS.**

An Entity shall register as a Political Committee within three (3) business days of making aggregate Independent Expenditures exceeding \$919 in any Election Cycle to support or oppose one or more Candidates in any Multnomah County Candidate Election.

(Ord. 1319, Amended, 12/14/2023; Ord. 1289, Amended, 12/17/2020; Ord. 1243, Added, 09/01/2017; MCC 5.202(A) and MCC 5.202(C) were held to be invalid in *Multnomah County v. Mehrwein*, 366 Or 295, 462 P3d 706 (2020))

**§ 5.203 TIMELY DISCLOSURE OF
LARGE CONTRIBUTIONS AND
EXPENDITURES.**

(A) Each Communication to voters related to a Multnomah County Candidate Election will Prominently Disclose the true original sources of the Contributions and/or Independent Expenditures used to fund the Communication, including:

- (1) The names of any Political Committees and other Entities that have paid to provide or present it; and
 - (a) For each of the five Dominant Contributors providing the largest amounts of funding to each such Political Committee or Entity in the current Election Cycle:
 - (i) The name of the Individual or Entity providing the Contribution.
 - (ii) The types of businesses from which the Entity has obtained a majority of income over the previous 5 years, with each business identified by the name associated with its 6-digit code of the North American Industry Classification System (NAICS).

- (2) For each of the largest five Dominant Independent Spenders that have paid to provide or present it:

- (a) The name of the Individual or Entity providing the Independent Expenditure.
- (b) The types of businesses from which the Entity making the Independent Expenditure has obtained a majority of income over the previous 5 years, with each business identified by the name associated with its 6-digit code of the NAICS.

(B) If any of the five largest Dominant Contributors or Dominant Independent Spenders is a Political Committee (other than a Small Donor Committee) or nonprofit organization, the prominent disclosure will include each of the three Dominant Contributors providing the largest amounts of funding to that Political Committee or nonprofit during the current Election Cycle.

(C) For purposes of MCC 5.203(A), if more than five Individuals or Entities qualify as the largest Dominant Contributors or Dominant Independent Spenders, the disclosure will disclose the five applicable Individuals or Entities whose Contributions, Expenditures, or Independent Expenditures were made closest to the date of initial printing or transmission of the Communication.

(D) For purposes of MCC 5.203(B), if more than three Individuals or Entities qualify as the Dominant Contributors providing the largest amounts of funding during the current Election Cycle, the disclosure will disclose the three applicable Individuals or Entities whose Contributions or donations were made closest to the date of initial printing or transmission of the Communication.

(E) The disclosure will be current to within 10 business days of the printing of printed material or within 5 business days of the transmitting of a video or audio communication.

(Ord. 1276, Amended, 11/07/2019; Ord. 1243, Added, 09/01/2017)

§ 5.204

IMPLEMENTATION AND ENFORCEMENT.

(A) A violation occurs when an Individual or Entity fails to comply with any provision of MCC 5.200 through MCC 5.203.

(B) Each violation of any provision in this Section will be punishable by imposition of a civil fine, which is not less than two or more than twenty times the amount of the unlawful Contribution or Expenditure or Independent Expenditure.

- (1) For purposes of MCC 5.203, the amount of an unlawful Contribution, Expenditure, or Independent Expenditure is the amount that each Individual or Entity uses to fund a Communication that does not comply with MCC 5.203.
- (2) Civil fines will be issued to each Individual or Entity that funds a Communication that does not comply with MCC 5.203, based on the amount that each Individual or Entity paid to fund the noncompliant Communication.

(C) The Director will promulgate administrative rules to carry out and enforce MCC 5.200 through MCC 5.204. The Director will enforce the provisions of MCC 5.200 through MCC 5.204 and the administrative rules adopted pursuant to this Section.

(D) Any person may file a written complaint of a violation of MCC 5.200 to MCC 5.203 with the Director.

(E) The Director, otherwise having reason to believe that a violation of any provision has occurred, will issue a complaint regarding such violation.

(F) Upon receipt or issuance of a complaint, the Director will examine the complaint to determine whether a violation has occurred and will make any investigation necessary.

(G) The Director may issue subpoenas to compel the production of records, documents, books, papers, memoranda or other information necessary to determine compliance with the provisions of MCC 5.200 to 5.203.

(H) The Director will find a violation occurred if the Director determines that there is sufficient evidence to show that it is more likely than not that an Individual or Entity violated MCC 5.200 through MCC 5.203.

(I) Upon finding a violation of the requirement for timely disclosure set forth in MCC 5.203, the Director:

- (1) Will undertake an investigation to determine the true original sources of the Contributions and/or Independent Expenditures used to fund the Communication at issue; and
- (2) Will issue a statement containing the available information about the involved donor(s) required by MCC 5.203 to:
 - (a) The complainant, if any;
 - (b) Each Individual and Entity who is the subject of the complaint; and
 - (c) Any Individual or Entity, including a news organization, who has requested in writing to receive such statements.
- (3) May issue a civil penalty of not less than two or more than twenty times the amount of the unlawful Contribution or Expenditure or Independent Expenditure.

(J) The County's decision in the matter is final upon issuance. Such decision will be enforced by Multnomah County. If a civil penalty is not paid within 30 days of the date of the County's final decision or completion of any judicial review, whichever is later, the fine then due will be increased by 25% of the original amount; if the civil penalty is not paid within 60 days of the date of the County's final decision or completion of judicial review, (S-1 2025)

whichever is later, the fine then due will be increased by 50% of the original amount. At the discretion of the Director, any civil penalty not paid within 60 days from the date of the final decision or completion of judicial review, which is later, may be assigned to a collection agency for collection on behalf of Multnomah County.

(Ord. 1319, Amended, 12/14/2023; Ord. 1276, Amended, 11/07/2019; Ord. 1243, Added, 09/01/2017)

§ 5.205 ADJUSTMENTS.

(A) All dollar amounts shall be adjusted on January 1 of each odd-numbered year using the November West Region-Size Class A Consumer Price Index All Urban Consumers (CPI-U), Not Seasonally Adjusted, for the preceding even-numbered year rounded to the nearest dollar.

(B) Using the November West Region-Size Class A Consumer Price Index All Urban Consumers (CPU-U), Not Seasonally Adjusted, for the even-numbered year, the County Chief Operating Officer shall determine the adjustments for all dollar amounts in Multnomah County Code Chapter 5 and provide that information in writing to the County Attorney by December 15 of each even-numbered year.

(C) Based on the information provided by the County Chief Operating Officer in subsection (B), the County Attorney shall update Multnomah County Code Chapter 5 on January 1 of each odd-numbered year to reflect all adjusted dollar amounts.
(Ord. 1289, Amended, 12/17/2020; Ord. 1243, Added, 09/01/2017)

§ 5.206 SEVERABILITY.

For the purpose of determining constitutionality, every subsection, and subdivision thereof this Section, at any level of subdivision, shall be evaluated separately. If any section, subsection or subdivision at any level is held invalid, the remaining sections, subsections and subdivisions shall not be affected and shall remain in full force and effect. The courts shall sever those sections, subsection, and subdivisions necessary to render this Section consistent with the United States Constitution and with the Oregon Constitution. Each section, subsection, and subdivision thereof, at any level of subdivision, shall be considered severable, individually or in any combination.
(Ord. 1243, Added, 09/01/2017)

RANK CHOICE VOTING

§ 5.300 DEFINITIONS

For purposes of MCC 5.300 through MCC 5.307, the following definitions shall apply unless the context requires a different meaning.

- (A) **ACTIVE BALLOT.** Any ballot that is not an inactive ballot.
- (B) **ACTIVE CANDIDATE.** Any candidate who has not been defeated or elected.
- (C) **BATCH ELIMINATION.** The simultaneous defeat of multiple active candidates for whom it is mathematically impossible to be elected. For purposes of this definition, write-in votes tallied together may be defeated as a single candidate for whom it is mathematically impossible to be elected.
- (D) **CANDIDATE HAVING THE FEWEST VOTES.** The active candidate who has the fewest votes in the round but for whom it is not mathematically impossible to be elected in the round. For purposes of this definition, write-in votes tallied together may be a single “candidate having the fewest votes.”
- (E) **DIRECTOR.** The Director of the Division of Elections of the County or authorized representative.
- (F) **HIGHEST-RANKED ACTIVE CANDIDATE.** The active candidate an elector 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.
- (G) **INACTIVE BALLOT.** 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.
- (H) **MAJORITY OF VOTES.** For each round being tabulated, more than 50 percent of votes cast on active ballots for active candidates in that round.
- (I) **MATHEMATICALLY IMPOSSIBLE TO BE ELECTED.** An active candidate cannot be elected because that candidate’s vote total in a round, plus all votes that could possibly be transferred to that candidate in future rounds from active candidates who received an equal or fewer number of votes, would not be enough to surpass that of the active candidate with the next highest vote total in such round. For purposes of this definition, write-in votes tallied together may be considered a single candidate.
- (J) **OVERVOTE.** An elector ranks more than one candidate at the same ranking in the same contest. For example, a ballot has an overvote if an elector assigns two candidates the number 1 ranking in the same contest.

(K) **RANKED CHOICE VOTING.** When two or more candidates have filed for a county elective office, an election method in which electors may rank candidates for an office on order of electors' preferences and ballots may be counted in rounds.

(L) **RANKING.** The number available to be assigned by an elector to a candidate to express the elector's choice for that candidate. The number 1 is the highest available ranking, followed by 2, and then 3 and so on.

(M) **REPEAT RANKING.** An elector assigns more than one ranking to the same candidate in a contest. For example, a ballot has a repeat ranking if an elector assigns the same candidate the number 1 ranking and the number 2 ranking.

(N) **SKIPPED RANKING.** An elector 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.

(O) **UNDERVOTE.** 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 a commissioner contest if an elector does not rank any candidate for commissioner.

(Ord. 1337, Added, 07/24/2025)

§ 5.301 RANKED CHOICE VOTING.

(A) When there are two or more filed candidates for a county elective office, the office will be elected using instant runoff ranked choice voting.

(B) When there is only one filed candidate for a county elective office, the office will be elected using plurality voting, where the candidate that receives the highest number of votes cast for the office shall be elected to the office.

(Ord. 1337, Added, 07/24/2025)

§ 5.302 NUMBER OF RANKINGS.

(A) Except as otherwise provided in this section, electors may rank up to six candidates for each county elective office. Electors may rank write-in candidates. Electors are not required to use all available rankings on a ballot.

(B) When the total number of filed candidates plus one write-in line for a contest is less than six, the number of available rankings will equal the number of filed candidates plus one. For example, in a commissioner contest with three filed candidates, an elector may rank up to four candidates (three filed candidates plus one write-in candidate).

(Ord. 1337, Added, 07/24/2025)

§ 5.303 CANDIDACY BY CERTIFICATION AS WRITE-IN.

(A) At least seven calendar days before the date of an election, a person who wants write-in votes for them to show as votes for them as a write-in candidate must submit to the director, on a form provided by the director, a certification that the candidate meets the necessary qualifications for the county office and will serve if elected.

- (B) In the event that write-in votes are tallied to show the total number of votes cast for each write-in candidate:

- (1) Uncertified write-in candidates will be considered a single candidate; and
- (2) Uncertified write-in candidates will be defeated.

- (C) Individual write-in votes will be tallied for each certified write-in candidate.

(Ord. 1337, Added, 07/24/2025)

§ 5.304 ELECTOR INTENT.

- (A) In the event that tabulation reaches a skipped ranking, the elector's vote is transferred to the next highest-ranked active candidate on the elector's ballot after the skipped ranking, if any.
- (B) In the event that tabulation reaches an overvote, the elector's vote is transferred to the next highest-ranked active candidate on the elector's ballot, if any.
- (C) In the event that tabulation reaches a repeat ranking, the elector's highest ranking of the candidate that is not an overvote will be the elector's ranking for that candidate, and the elector's lower ranking of that same candidate will be treated as skipped rankings.

(Ord. 1337, Added, 07/24/2025)

§ 5.305 TIE VOTE.

If two or more active candidates are tied as the candidate having the fewest votes in the round, and tabulation cannot continue until the candidate having the fewest votes is defeated, then the candidate to be defeated is determined by lot by the director. The result of the tie resolution must be recorded and reused in the event of a recount.

(Ord. 1337, Added, 07/24/2025)

§ 5.306 TABULATION.

- (A) Each active ballot counts as one vote for the highest-ranked active candidate.
- (B) If a candidate receives a majority of votes in the initial round of tabulation, that candidate is declared elected.
- (C) If no candidate receives a majority of votes in the initial round of tabulation, votes in the initial round and in subsequent rounds are tabulated as follows:

- (1) Active candidates retain the number of votes counted for them in the first and any subsequent rounds that already occurred.
- (2) If no candidate has a majority of votes, the active candidate having the fewest votes is defeated and each vote on a ballot that had been counted as a vote for the defeated candidate is transferred to the next highest-ranked active candidate on that ballot that is not an overvote, if any.
- (3) At the same time that the active candidate having the fewest votes is defeated, all active candidates for whom it is mathematically impossible to be elected must be defeated simultaneously, unless the batch elimination shall occur. Each vote on a ballot that had been counted as a vote for a candidate defeated by batch elimination is transferred to the next highest-ranked active candidate on that ballot that is not an overvote, if any.

- (4) If, after the transfer of votes, any candidate has a majority of votes, that candidate is declared elected. If no candidate has a majority of votes, the round ends and a new round begins with subsection (C)(1).

- (D) 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.

(Ord. 1337, Added, 07/24/2025)

§ 5.307 RESULTS REPORTING.

The design and format of preliminary and final results reports is at the discretion of the director. Results reports may include:

- (A) Total votes cast;
- (B) Election threshold;
- (C) Total first round rankings for all filed candidates;
- (D) The complete round-by-round tabulation results, including defeated candidate transfers; and
- (E) Other information identified by the director.

(Ord. 1337, Added, 07/24/2025)