

CHAPTER 4

ELECTIONS AND CANDIDATES

ADMINISTRATION

4.001 Purpose.

The purpose of this chapter is to provide clear guidance to county offices and other interested parties in the conduct of elections held in Benton County. [Ord. 99-0153; Ord. 2019-0291]

4.002 Definitions.

(1) “**Electoral District**” means the physical boundaries within Benton County of any elected position. [Ord. 99-0153; Ord. 2019-0291]

SPECIAL ELECTIONS

4.101 Special Elections.

The Board of Commissioners may call a special election by order. The order shall state the purpose for calling the special election, the propositions to be voted upon, and the date on which the election shall be held. [Ord. 11, adopted May 6, 1986; Ord. 85-0002; Ord. 90-0062; Ord. 2019-0291]

4.102 Filing Deadlines. Special district nominations shall be filed not later than the 70th day before the election and in compliance with existing election law. [Ord. 2019-0291]

ELECTIONS GENERALLY

4.201 Election to Fill a Vacancy.

If an election is required to fill a vacancy in an elected County office pursuant to Benton County Charter Chapter V Section 22(4)(a)(A), the election shall be conducted pursuant to Benton County Charter Chapter VII Section 25(1). [Ord. 90-0062; Ord. 2019-0291]

4.205 Ballot Specifications for Partisan Offices.

If an election is held to fill a vacancy in a partisan county office, the candidate's party affiliation as listed in the candidate's petition or declaration of candidacy or certificate of nomination shall appear first following the name of the candidate on the ballot, followed by up to two minor party nominations received by that candidate, if applicable. Abbreviated party names as established by the Secretary of State can be used. [Ord. 90-0062; Ord. 2019-0291]

4.210 Filing of Candidate's Petition or Declaration of Candidacy.

- (1) A person eligible pursuant to the Benton County Charter may become a candidate to fill partisan or non-partisan elected County office, or to fill a vacancy in a partisan or non-partisan elected County office, by filing either a petition or a declaration of candidacy.
- (2) At the time of filing, a declaration of candidacy shall be accompanied by a filing fee set by order of the Board of Commissioners. The Board shall set the amount of the filing fee based on the filing fee provided in state law for a declaration of candidacy for an elected County office.
- (3) In lieu of filing a declaration of candidacy and paying a fee, a person may become a candidate for an elected County office by filing a petition of candidacy as follows:
 - (a) If the person is filing a petition of candidacy to fill a nonpartisan elected County office, at the time of filing, the petition shall contain at least 500 signatures of electors in the electoral district, or a number of signatures of electors equal to at least one percent of the votes cast in the electoral district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term, whichever is less. In addition, these signatures shall include those of electors registered in each of at least one-fifth of the precincts in the electoral district.
 - (b) If the person is filing a petition of candidacy as a candidate of a major political party to fill a partisan elected County office, the petition shall contain the signatures of electors who are members of the same major political party as the candidate. The petition shall contain at least 500 signatures or the number of signatures at least equal to two percent of the vote in the County for the candidates of that major political party for presidential electors at the last presidential election, whichever is less. In addition, the signatures shall include those of electors registered in at least one-fifth of the precincts in the electoral district. [Ord. 90-0062; Ord. 2019-0291]

4.215 Filing Deadlines.

- (1) A petition for candidacy or declaration of candidacy shall be filed not later than the 61st day prior to a primary or general election or any other special election.
- (2) The certificate of nomination of a candidate for public office shall be filed in accordance with ORS 249.722. [Ord. 90-0062; Ord. 2019-0291]

4.220 Contents of Petition or Declaration.

- (1) A petition or declaration of candidacy shall contain the information required in ORS 249.031.
- (2) A declaration of candidacy shall also include a statement that the required fee is included with the declaration.

(3) A petition of candidacy shall also include the required signatures as provided by BCC 4.205(3). [Ord. 90-0062; Ord. 2019-0291]

4.225 Certification of Signatures.

The Benton County Elections Office shall certify the signatures on a petition of candidacy for genuineness, while ensuring that the signer meets all of the necessary requirements for signing and that the signer has signed no other petitions regarding the same contest. [Ord. 90-0062; Ord. 2019-0291]

4.230 Precinct Committeepersons.

The election of precinct committeepersons will take place in accordance with the applicable provisions of ORS Chapter 248 [Ord. 99-0153; Ord. 2019-0291]

4.235 Certificate of Nomination.

A minor political party, assembly of electors or individual electors may nominate one candidate for a vacancy in a partisan county office by preparing and filing a certificate of nomination. [Ord. 90-0062; Ord. 2019-0291]

4.240 Contents of Certificate of Nomination.

(1) A certificate of nomination shall state:

- (a) The name by which the candidate is commonly known. A candidate may use a nickname in parenthesis in connection with the full name.
- (b) The mailing address and residence of the candidate.
- (c) The office, and department or position number, if any, for which the candidate is nominated.
- (d) The name of the minor political party, if any, which nominated the candidate.
- (e) If the candidate is nominated for a partisan office by an assembly of electors or individual electors, the word "Nonaffiliated" and a statement that the candidate has not been a member of a major or minor political party during at least 180 days before the date the certificate of nomination is filed, shall be included.

(2) A certificate of nomination made by a minor political party or assembly of electors shall be signed by the presiding officer and secretary of the nominating convention of the party or assembly. An affidavit shall be made on the certificate by the presiding officer and the secretary and sworn to or affirmed by them before one of the following: a judge, justice of the peace, County Clerk, or notary public. The affidavit shall state that the statements in the certificate are

true. With respect to an assembly of electors, the affidavit shall state that the assembly satisfied the requirements of BCC 4.255.

- (1) The nominee must accept the nomination by either signing the certificate of nomination, or filing a signed acceptance of the nomination prior to or at the same time as the filing of certificate of nomination. [Ord. 90-0062; Ord. 2019-0291]

4.245 Entries in Register of Nominations Upon Filing Certificates.

(1) Immediately after each certificate of nomination is filed, the Benton County Elections Office shall enter in the register of nominations:

- (a) The date the certificate was filed.
- (b) The name of each candidate.
- (c) The office for which the candidate is nominated.
- (d) When applicable, the name of the minor political party or identification of the assembly of electors making the nomination, and the names of the chairperson and secretary certifying it.
- (e) If the certificate of nomination is made by individual electors, the total number of certified signatures contained in the certificate.

(2) As soon as an acceptance or withdrawal of a candidate is filed with a filing officer, it shall be entered in the register of nominations. [Ord. 90-0062; Ord. 2019-0291]

4.250 Nomination by Minor Political Party.

An affiliation of electors qualified as a minor political party pursuant to state law may nominate a candidate to fill a vacancy in a partisan county office. [Ord. 90-0062; Ord. 2019-0291]

4.255 Nomination by Assembly of Electors.

- (1) An assembly of electors is an organized body of not fewer than 250 electors in the County.
- (2) An assembly of electors shall nominate candidates at a nominating convention. The convention shall be held in one day and last not longer than 12 hours. The signature, printed name, residence and mailing address of each member of the assembly shall be recorded at the convention and entered of record in the minutes by the secretary of the assembly. Not less than the minimum number of electors required to constitute an assembly of electors shall have recorded their signatures in the minutes of the assembly and must be present when the assembly nominates a candidate. The candidate receiving the highest number of votes of the assembly for the office shall be the nominee of the assembly.

(3) Not later than the 10th day before the meeting of an assembly of electors, notice shall be published at least once in not less than three newspapers of general circulation within the County. The notice shall contain the time and place the assembly will meet, the office or offices for which nominations will be made, and the names and addresses of not fewer than 25 electors qualified to vote in the assembly who desire that it be held.

(4) Proof of publication of the notice required in subsection (3) of this section shall be made by affidavit of the owner, editor, publisher, manager, advertising manager, principal clerk of any of them, or the printer or printer's foreman of the newspaper in which the notice is published. The affidavit shall show publication and shall be filed with the Benton County Elections Office with the certificate of nomination.

(5) Not later than the 10th day before the meeting of an assembly of electors, a copy of the notice under subsection (3) of this section shall be delivered to the Benton County Clerk who will supervise the conduct of the nominating convention.

(6) The presiding officer of an assembly of electors shall deliver the signatures of assembly members entered in the minutes to the Benton County Elections Office. The signatures shall be verified by that office. A copy of the minutes, certified by the secretary of the assembly, and an affidavit of compliance, for the assembly, from the Benton County Elections Office shall be filed along with the certificate of nomination.

(7) The Benton County Clerk or designee shall supervise the conduct of the nominating convention. The County Clerk shall insure that, when the assembly of electors makes a nomination, the number of electors present at the nominating convention are at least equal to the number of electors necessary to constitute an assembly of electors.

(8) Vacancies shall be filled in the manner provided by ORS 249.735(7). [Ord. 99.0153; Ord. 2019-0291]

4.260 Nomination by Petition of Individual Electors.

(1) A certificate of nomination by petition of individual electors shall contain signatures of electors in the electoral district equal to, but, not less than one percent of the total votes cast in the electoral district for all candidates for presidential electors at the last general election.

(2) Each elector signing a certificate of nomination by petition of individual electors shall include the residence address of the elector.

(3) A certificate of nomination made by individual electors shall contain the name of only one candidate.

(4) Before beginning to circulate the certificate of nomination, the chief sponsor of the certificate shall file a signed copy of the prospective certificate with the Benton County Clerk.

(5) The certificate shall comply with the provisions set forth in ORS 249.740(3) and ORS 249.740(4).

(6) The signatures contained in each certificate of nomination made by individual electors shall be certified for genuineness by the Benton County Elections Office.

(7) As used in this section, "prospective certificate" means the information, except signatures and other identification of certificate signers, required to be contained in a completed certificate of nomination. [Ord. 90-0062; Ord. 2019-0291]

4.265 The Candidate Receiving More Than Fifty Percent of Votes Elected.

(1) In accordance with Benton County Charter Chapter VII Section 25(1) the candidate that receives more than fifty percent of the ranked choice votes is declared the winner. The winning candidate shall be the elected official of the county office.

(2) The person elected shall take office immediately upon the filing of the person's certificate of election and oath of office with the Benton County Elections Office and in accordance with state law. [Ord. 90-0062; Ord. 2019-0291]