



May 13, 2016

Dear Prospective Candidate:

Attached is the Candidate Information Packet for the upcoming municipal election that will be held on November 8, 2016. It contains a plethora of information that candidates need in order to fulfill the requirements to appear on the ballot in November.

The City of Phoenix will have four positions up for election – the Mayor and three councilors.

This Packet contains:

1. Election for Mayor and Council Positions
2. Important Information
3. So you want to run for local office
4. Candidate “Quick Guide” on campaign Finance Reporting in Oregon
5. SEL 101
6. SEL 121
7. SEL 220
8. SEL 223
9. SEL 338
10. SEL 150
11. City Charter
12. City of Phoenix City Council Rules of Procedure
13. A Quick Reference Guide to Oregon’s Public Meetings Law
14. A Quick Reference Guide to Oregon’s Public Records Law
15. Candidate Manual 2016

For more information you may visit the web site sos.oregon.gov and click on the elections tab.

I look forward to working with you through the election process and will be happy to answer any questions.

Sincerely,

Janette Boothe
City Recorder

**ELECTION FOR MAYOR AND COUNCIL POSITIONS
NOVEMBER 8, 2016**

Mayor position term ends 12/31/2018

Three – Four Year Terms for Councilor ending 12/31/2020

Candidates must be registered voter and have been a resident of Phoenix for one year.

File “Statement of Organization for Candidate Committee” (SEL 220) and “Campaign Account Information” (SEL 223) form before receiving or spending any money for election purposes and no later than filing deadline.

After filling out “Candidate Filing” (SEL 101) and “Candidate Signature Sheet” (SEL 121) have City Manager/Recorder approve before circulation.

You must have at least 28 signatures of registered voters. It is suggested to gather **more** than the required 28 signatures. File the signature sheets with the “Petition Submission” (SEL 338). The “Date Signed” column must be filled in or signature will not be approved.

DEADLINE: Verified petitions must be filed with the City Recorder by 5:00 PM, August 22, 2016.

The election will be held November 8, 2016. Successful candidates will take office at the first Council meeting of January 2017, after taking the Oath of Office.

IMPORTANT INFORMATION

CANDIDATES FOR CITY OF PHOENIX MAYOR AND COUNCIL MEMBERS

GENERAL ELECTION – NOVEMBER 8, 2016

FILING DATE: June 1, 2016 to 5 p.m., August 30, 2016.

REQUIREMENTS: Qualifications – Registered elector. (City Charter, Sec. 26)

Residency –

Mayor – Resident within the city of Phoenix for more than one year preceding the election.

Council members – Resident within the city of Phoenix for more than one year preceding the election.

SIGNS DURING ELECTIONS: Signs twelve square feet or less in area, located on private property during the period from sixty days before to five days after any public election to be held in Oregon.

FILING ACTIVITIES: Filing forms provided by city elections filing officer (City Recorder). The following forms are listed in filing activity order:

1. **Statement of Organization (SEL220):** Designation of Candidate’s Principal Campaign Committee and Campaign Account Information (SEL 223) to be **first**. (Not required if expenditures are not expected to exceed \$750 for the entire calendar year).

When: Before receiving or expending any money for election purposes (refer to Campaign Finance Manual).

2. **Candidate Filing - Nonpartisan Nomination (SEL 101) (Check-marked “Prospective Petition and designating circulator pay status along with proposed signature sheet”):**

When: File prior to circulating petition.

3. **Candidate Signature Sheet – Nonpartisan (SEL 121):**

When: In ample time for verification process to be completed by the County before submitting perfected nominating petition to city elections officer no later than 5 p.m., August 22.

Mayor – Must contain signatures of 28 qualified electors living within the city limits of phoenix.

Council members – Must contain signatures of 28 qualified electors living within the city limits of phoenix.

First line to be signed and completed by candidate.

Signatures: Obtain 34 or more signatures on the petitions in case some are disqualified. Signatures on petitions must appear identical as registered with the Jackson County Elections Office. Example: Mary A. Jones; **NOT** Mrs. John Jones.

The Jackson County Elections Office will not approve signatures if the “Date Signed” column is not completed.

Submit signed petition to Jackson County Elections Office for signature verification. **NOTE:** The petition must be submitted for signature verification early enough to allow the County Elections Office time to perform the task in order to return to you in time for submission to the city elections officer.

Return petition with verified signatures to the city elections office not later than 5 p.m. on August 22, 2016.

4. Completing a Petition – Petition Submission (SEL 338 (and verified signature sheets):

When: When the petition with verified signatures is returned.

POLITICAL PUBLICATIONS & ADVERTISING:

Identification of Source of Political Publication (ORS 260.522, Page 1997-23-168): “...no person shall cause to be printed, posted, broadcast, mailed, circulated or otherwise published, any written matter, photograph or broadcast related to any candidate or measure at any election, unless it states the name and address of the person responsible for the publication, including a statement that the publication was authorized by the person” (All political material in support or opposition to a candidate or measure **MUST** now state “authorized by” instead of “paid for by” accompanied by the name and address of the person or group who authorized the material. It is acceptable to have statements, however, if only one is used, it must be “authorized by”.)

The prohibition under the above paragraph does not apply to any sign relating to a candidate if the candidate or the principal campaign committee of the candidate paid for or is responsible for paying for the publication and the sign displays the name of the candidate.

Notices and Advertisements (Phoenix Municipal Code Section 8.04.160)

A. No person may affix or cause to be disturbed any placard, bill, advertisement or poster upon real or personal property, public or private, without first securing permission from the owner or person in control of the property. **B.** No person, either as principal or agent, may scatter, distribute or cause to be scattered or distributed on public or private property any placards or advertisements or other similar material.

FILING STATEMENTS OF CONTRIBUTIONS AND EXPENDITURES

Obtain 2016 Campaign Finance Manual from Phoenix City Hall. Candidates for public office must file required statements of contributions and expenditures if total contributions or total expenditures exceed \$750 for an election.

If at any time during the campaign either the total contributions or total expenditures exceed \$750, the candidate shall file a detailed contributions and expenditure statement for the reporting periods in which the contributions or expenditures exceed \$750 is due.

If you expect to receive or expend more than \$750, detailed contributions and expenditure statements are to be filed. Refer to 2016 Campaign Finance Manual for reporting deadline. Forms to be used for filing may be reproduced from this manual.

ADDITIONAL INFORMATION

INFORMATION SUPPLIED HEREIN PERTAINS TO CANDIDATES IN MOST SITUATIONS. IF YOU HAVE OTHER QUESTIONS, PLEASE CALL THE CITY ELECTIONS OFFICER, (541) 535-1955.

THE PHOENIX CHARTER IS PROVIDED FOR YOUR INFORMATION.

**So you want to run for
local office ...**



**What every
mayor or councilor
should know about
legal roles and responsibilities,
about representing the community,
and about Oregon city government**

Acknowledgment

This publication was initiated by a group of past presidents of the League of Oregon Cities who recognized a need. They volunteered their time and expertise in an effort to build leadership capacity and strengthen city government in Oregon.

Special thanks are extended to the following past presidents for their personal and professional expertise and the collective effort that created this document.

Eugene Bauer
Ron Bryant
Ruth Burleigh
Elvern Hall
Gerald "Lou" Hannum
Edward Harms
Di Lyn Larsen-Hill
Shirley Huffman
Mike Lindberg
Loren McKinley
Jack Nelson
Emily Schue
Charles Vars
William Young

This publication is addressed primarily to candidates for city council. It serves as a reference and deals with a variety of important topics in a condensed manner. The publication is intended to provide an orientation to individuals who wish to assume a leadership role in municipal government.

Elected city officials and candidates are encouraged to contact the League of Oregon Cities (LOC) for further information regarding any topic presented in this publication. After you have been elected, you may wish to gain a deeper understanding about the issues facing Oregon city government by participating in the LOC-sponsored training sessions, the Elected Officials Workshop, and the Annual Conference.

Message to Candidates

Congratulations on your decision to run for local office! You have taken an important step on the path to public service in your home community—one step for which you must be proud. It's probably the most challenging job you'll ever have (and most likely the lowest paying). It will probably be among the most interesting and rewarding as well.

Often times, citizens are motivated to pursue elective office because they feel strongly about a single issue which demands change. They feel that they must take personal action to remedy this situation. When elected, you will find that others maintain sincere personal concerns for completely different issues. You will become involved in broader—and sometimes more mundane—issues like budgeting, personnel, growth and service delivery priorities. You will find a need to gain the opinion of local citizens outside your normal social or work circle and vie with other elected officials for a public forum by which to express your view.

This booklet is designed to increase your familiarity with an elected official's responsibilities, as well as the processes, procedures and rules that govern the conduct of an elected official. You can obtain more information from your city recorder, city manager or administrator, the League of Oregon Cities (LOC), and state agencies.

We wish you the best of luck in the upcoming election and your subsequent service.

Sincerely,

Past Presidents Council of the
League of Oregon Cities

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Filing for Elective Office

Qualifications for various city offices differ. Before filing, review the city charter and statutory requirements of the office for which you plan to declare your candidacy. Requirements for filing for city offices are found under Oregon Revised Statutes (ORS) Chapters 221 and 249. The forms that you'll need are available from your city's elections official or the Secretary of State's Office, Elections Division.

Contribution and Expenditure Reporting

Every candidate and prospective candidate is required to establish a principal campaign committee within three business days of receiving or spending any money to support the candidacy. This includes expenditures of personal funds by the candidate or treasurer. It also includes payment of the filing fee if the candidate files by declaration, any costs related to circulating a nominating petition, or any voters' pamphlet costs.

For more detailed information about the filing process, contact your city's elections official or the Elections Division in the Secretary of State's office (503/986-1518).

What to Expect

Not only will the job of elective office ask you to be a model of civility and cooperation, an educator and interpreter of public opinion, and a leader bringing people together and building trust, it will also provide you with the opportunity to shape policy governing the future of your city. In the course of doing so, you will learn all facets of local government including municipal law and finance. In addition . . .

- ❖ You'll rarely eat at the local diner or stop by the hardware store without someone complaining about roads, taxes, etc. You might be cornered anywhere, at any time, on anything. Unlike elected officials at the state and federal level, you are in direct contact on a daily basis with the people who elected you.
- ❖ You'll spend a lot of time attending meetings; not only municipal meetings but regional and statewide ones as well. You'll also spend a lot of time preparing for them, reading the material that needs to be read in order to make an informed decision in the course of the meeting.

If you are elected, you will draw upon skills you already have, skills you never knew you had, or skills you wished you had. The job might require you to:

- ❖ Facilitate meetings, speak to the press, respond to angry and sometimes hostile citizens, testify before legislative committees, negotiate with contractors, bankers and engineers.
- ❖ Make decisions on everything from who to hire as the next city manager, to which bid to accept for paving the roads, to how to pay for solid waste disposal, to joining with neighboring cities in a regional approach to providing dispatch services.

Are you up to the challenge?!

Basic City Services

Services provided by municipalities vary from community to community. However, some typical services include:

Public Safety — police, fire, and sometimes ambulance service

Utilities — water and sewer, and sometimes trash collection, electric power, and natural gas

Land Use — planning, zoning, code enforcement, and other regulatory activities

Transportation — street construction and maintenance, traffic safety, and sometimes public transit

Recreation/Cultural — parks, recreation, libraries, and sometimes cultural facilities

Legal — Ordinances protecting the public health, safety and welfare of the community

Roles and Responsibilities

Elected city officials have many official responsibilities. Essential ingredients for proper job performance of a mayor and city councilors are a thorough knowledge of the community, its people, and its problems, as well as knowing individual roles and those of the council as a whole. The information below provides city official candidates a basic understanding of the roles of the mayor and council, and the issues they will confront.

Most elected city officials consider the formulation of city policy to be their primary responsibility.

Most elected city officials consider the formulation of city policy to be their primary responsibility. They are also concerned with the way in which policy is administered, although the extent of their involvement in administration depends on the size of the city and its form of government.

The traditional distinction between “policy” and “administration” has been that policy is the process of deciding *what* is to be done, while administration is implementing it. However, it is not always easy to distinguish between the two.

Policy Role

The council is the highest authority within city government in deciding issues of policy. For a council to effectively assume a positive and active role in bringing issues forward for discussion in setting policy, councilors need a clear understanding of the policy process and the stages at which council intervention is most effective. Typically, the policy process follows the steps listed below:

1. Identification of problems and needs
2. Establishment of community goals
3. Determination of objectives
4. Development/analysis of alternative solutions (including short-term and long-term implications)
5. Establishment of priorities
6. Development of programs or strategies
7. Implementation of programs or strategies
8. Monitoring and evaluation of programs or strategies
9. Feedback
10. Program or strategy improvement and modification.

Administrative Role

The council, as a "collective" body, is responsible for the oversight of administration in every city, but the roles that the mayor and individual city councilors play in city administration vary considerably, depending on city size and form of government. Below are some basic forms of government.

Mayor-Council Form. In the mayor-council form of city government, the elected council is the legislative and policy-making body of the city. Council committees such as parks, public works, public safety, etc., may be responsible for day-to-day oversight of city activities, and may appoint or recommend the appointment of some or all administrative personnel of the city. The mayor, who in some instances is popularly elected and in others is appointed by the council from its own members, is the ceremonial head of the city and presiding officer of the council. Often, the mayor does not appoint administrative personnel, has no special administrative responsibility, and has no power to veto ordinances adopted by the council.

Oregon cities that operate under charters closely patterned on the mayor-council version of the Model Charter for Oregon Cities (1988 ed.) have this form of government. Most small cities in Oregon have this form. In some mayor-council cities, the mayor is the chief executive of the city. In addition to being ceremonial head of the city and presiding at council meetings, the mayor has the power to appoint all or most administrative personnel of the city and has general responsibility for proper administration of city affairs. In a few Oregon cities, the mayor has the power to veto ordinances adopted by the council.

Council-Manager Form. All Oregon cities over 2,500 population have the council-manager or council-administrator form of government except for Portland, Beaverton and Lakeview. The chief characteristic of this form is that the council appoints a qualified professional person as city manager or administrator to take charge of the daily supervision of city affairs. The manager or administrator serves at the pleasure of the council; the council sets policy and the manager carries it out.

An absolute separation between policy and administration does not really exist in city government or in other local governments. However, the council-manager plan works best when the council exercises its responsibility for policy leadership and respects the manager's leadership role and responsibility for administration.

Council-manager charters commonly include specific provisions that prohibit individual councilors from giving orders to city employees or from attempting to influence or coerce the manager with respect to appointments, purchasing or other matters. However, the charters do not prohibit, and may affirmatively provide for, the council discussing administrative matters with the manager in open meetings.

Many small cities in Oregon have established a city administrator position instead of a city manager position. This is usually accomplished by ordinance rather than by charter. Occasionally a city sets up such a position merely by budgeting for it.

The duties and responsibilities of city administrators vary. In some cities they are indistinguishable from those of a city manager; in others the administrator may share administrative duties with the council or its committees, including hiring and firing department heads.

Council Functions

The council is the city governing body and is elected to steward the public trust and to serve as financier, employer, legislator and policy maker. The council monitors city service levels that benefit the whole community.

The city must maintain a balanced budget, which requires determining what city services and operations will be provided and at what cost and level of service. The council is also responsible for policies governing bidding procedures, spending limitations and purchasing methods related to equipment, land, services and facilities.

Citizen Involvement. The council's leadership role requires staying connected to the community and connecting the citizens to their local government. Elected officials at all levels work to engage citizens actively. There are four basic roles for local elected officials in connecting citizens and their government:

1. **As a *model*.** By maintaining a spirit of civility and cooperation both within the municipal government and among local governments, local officials can help set the tone for civil discourse and productive problem-solving. The council can set an example for the public and the staff, and is responsible for creating a positive, constructive climate and a model democracy in action.
2. **As an *educator*.** The council can provide public information and serve as interpreter of public opinion within the community. In addition, local officials can encourage citizens, business, community organizations and others to play an active role in community-building initiatives.
3. **As a *listener*.** The council can solicit input from the public and city employees and it can provide opportunities for participation and involvement. It can respond to the public in an open, honest and respectful manner that shows that the council values questions, comments, and criticism from the public.
4. **As a *leader*.** The council communicates city goals, policies and information that can enhance the public's understanding of city issues. It can facilitate the airing and sharing of diverse points of view. It can foster a sense of community and it can use techniques for resolving conflict. Energizing and engaging citizens is a job that calls for an array of skills.

The Mayor

The mayor's role varies from city to city, depending on charter requirements. In many cities the mayor presides over council meetings and participates in discussions, but votes only to break ties. Depending on charter provisions, the mayor may appoint committees and department heads with council approval, and veto ordinances. Most mayors also sign all ordinances and other records of proceedings approved by the council, and in some cities they may sign all orders to disburse funds.

In addition to the mayor, most cities also have a council president or mayor pro tem. The councilor in this position presides over the council in the mayor's absence.

Council as “One Voice”

Councilors are elected to a city council, not to an independent seat. Local citizens, despite their diversity of opinions and level of civic engagement, expect the council to function effectively as one body, one voice. There is sometimes a perception by council members that they need to be independent to the point of being contrary on every issue. There is also a fear of being perceived as a “rubber stamp” council. A councilor can and should feel comfortable in expressing diverse opinions, and in debating issues. **It is important to show respect for fellow council members, to be willing to move ahead once the issue is thoroughly discussed, to support the government process, and to live with the results of the vote.** Effective councils are those in which councilors maintain their individuality and yet work effectively as a “collective” body.

A councilor should never attempt to speak for the entire council, particularly outside of council meetings. It is inappropriate to promise that the council will do something until the council, as a group, has a chance to discuss it and determine a course of action.

Balance

The single most difficult job of a city council is to balance diverse interests and search for common interests. A councilor may react to groups in isolation without considering the larger consequence of his or her actions. It is important to recognize and consider citizen input, but it is equally important to develop perspective. If ten people call on an issue in a city of 19,000, is it indicative of a landslide of public concern, or a well-organized phone campaign? When someone tells a councilor that “everyone in town feels this way”, the councilor should trust his or her own judgment and seek a few more opinions. A council can seldom do everything that everyone wants.

Intergovernmental Relations

Beyond the myriad of issues that are specific to city government, city officials will quickly find that they play a pivotal role in the intergovernmental arena with other local governments—county government, special districts and public schools—as well as regional, state and federal governments. Understanding these relationships and their impact on city government’s ability to provide responsible, efficient and effective governance and delivery of services is important, particularly when funding and staffing resources are limited. Exploring new and innovative ways of funding and providing public services is one of the challenging issues facing elected officials.

The key to success is cooperation and collaboration.

It is important to recognize that the reasons you are running for office will become part of a “full plate” of issues (many with which you are not yet familiar). Because of the urgency and the complexity of these issues, government *must work together* to address them. Cities no longer do their government business in isolation. The key to success is cooperation and collaboration.

Sources of Law

Local government, for many purposes, is a political subdivision of the state. The main sources of law governing local government are the state constitution, state law (statutes), decisions of state courts, and city charters and ordinances. Cities are also subject to federal laws and the United States Constitution.

Local elected officials should be familiar with their city's charter and ordinances, as well as the state laws regarding open meetings, public records, budgeting, public contracting and prevailing wage, ethics, and conflict of interest, some of which are described below.

Home Rule

The term "home rule" refers to the authority of a city to set policy and manage its own affairs. Without charter home rule, state law controls the existence, form of organization, functions, powers and finances of local government. This form of home rule is referred to as "statutory" home rule. Most home rule authority is conferred on a city by its charter. A charter can be thought of as the city's constitution and may also be amended by a vote of the citizens of that community. Most cities in Oregon have home rule charters.

Ethics and Conflicts of Interest

Public official ethics are governed by various constitutional provisions, the common law, state statutes and, occasionally, charter or ordinance provisions. State law may require officials in your city to file a statement of economic interest each year with the Oregon Government Standards and Practices Commission.

State law also requires that public officials not use their official position or office to obtain financial gain other than official salary, honorariums or reimbursement of expenses. The law limits the value of gifts that officials, candidates or members of their families may solicit or receive, or which any person may offer, and prohibits public officials from soliciting or receiving offers of future employment in return for their influence. The law also prohibits public officials from furthering their personal gain by use of official information.

A conflict of interest relates to taking official action that may result in financial benefit or detriment to the public official, the public official's relative, or a business with which the public official or his/her relative is associated.

The conflict of interest may be an actual or potential conflict of interest. A potential conflict of interest exists when an official takes action that might have a financial impact on that official, a relative, or a business with which the official or official's relative is associated. The public official must declare the potential conflict and describe the nature of the conflict prior to any discussion or vote. After the declaration, the public official may participate in the discussion and vote on the issue, unless the charter or an ordinance provides otherwise.

An actual conflict of interest occurs when the action will result in a financial benefit or detriment. The public official must declare the conflict and describe its nature. The official may not participate in the discussion of the subject and may not take action on it.

Budget and Finance

Budgeting is an annual process by which cities identify the types and levels of services that can be provided within the constraints of available resources. The general budgeting process is prescribed by the Oregon Local Budget Law (ORS 294.305 to 294.565). The Department of Revenue's Local Government Finance and Taxation section administers the law and provides advice and assistance to cities regarding budget matters. It publishes a budget manual that is the basic reference document for local budget procedures.

In its most basic form, the budget identifies city programs, services and activities. City budgets are organized and expenditures are accounted for by "funds" (e.g., general fund, street fund, sewer fund) or "activities" (such as law enforcement), in order to permit identification and handling of revenue earmarked for special purposes.

Public Meetings Law

The Oregon public meetings law that applies to public bodies is found in ORS 192.610 to 192.710. Under the public meetings law, a governing body's meetings are open to the public with certain exceptions. Meetings of other city bodies (e.g., planning commission, budget committee, library board, etc.) are also open to the public. Except in emergencies, there must be reasonable notice of regular meetings and at least a 24-hour notice for special meetings. Written minutes of all meetings are required, but executive sessions may be taped instead. Executive, or private, meetings may be held for certain prescribed reasons, but the media must be allowed to attend these meetings and final decisions must be made in the public meeting.

Public Records Law

The public records law (ORS 192.410 to 192.505) applies to all public bodies including governing bodies, officers, departments, commissions, etc. The term "public records" is defined as writing containing information that pertains to the conduct of the public's business, and includes handwriting, typewriting, photographs, maps, discs, audio tapes, video tapes and electronic mail. ORS 192.500 lists several kinds of records all exempt from disclosure "unless the public interest requires disclosure." Other than excepted records, all records of a public body are available for public inspection.

Limitations of Power

The local government is subject to statutory, constitutional, judicial and charter limitations. Under Oregon constitutional home rule provisions, the voters of the state have taken from the state legislature, and reserved to the voters of cities, the power to adopt and amend their own city charters. Initiative and referendum powers are also reserved to the voters of the city (Oregon Constitution Article VI, section 10, and Article XI, section 2).

Article I, Oregon's Bill of Rights, also applies to local governments. Other constitutional limits and restrictions include property tax limitations, prohibitions against lending the credit of a city, and regulation of city elections. Several chapters of state law apply to city government (ORS chapters 221 to 227).

Liabilities

In general, Oregon governments are liable to the same extent as private individuals or entities and for all types of torts (wrongs to private parties)—e.g., personal injury, property damage, wrongful entry, false arrest and detention, malicious prosecution, abuse of process, invasion of privacy, interference with contractual relations, and defamation.

The personal liability of public officials is governed primarily by the provisions of the Oregon Tort Claims Act (OTCA). Federal civil rights law, the common law of torts, and specific Oregon statutes also may impose personal liability. Some examples of personal liability are budget law violations, conflicts of interests, actions outside the scope of official duty, malfeasance in office (willful and wanton neglect of duty), public contracting violations, and public meetings law and public records law violations.

The council should routinely consult the city attorney in making decisions on city affairs. In addition to providing professional and technical services such as preparation of formal opinions and drafting of legal documents, the city attorney can supply informal advice regarding many other matters.

Some types of insurance are required by state law, and cities purchase other types for their own protection. Insurance policies are complex documents, and the advice of competent insurance advisors and the city's legal counsel should be sought to make certain that coverages are adequate for the exposures involved.

City Government Facts

- ❖ Oregon has 240 incorporated cities.
- ❖ Approximately 67 percent of the state's population reside within city limits.
- ❖ The smallest incorporated city is Granite – population 25; the largest is Portland – population 512,395.
- ❖ There are approximately 1,490 mayors and councilors in the state.
- ❖ Pay for elected officials is determined locally. Compensation varies from no compensation to modest compensation levels for part-time officials. There are a few full-time paid positions, i.e., Beaverton mayor and Portland mayor and commissioners.
- ❖ The oldest city is Oregon City, incorporated in 1844. The youngest is Keizer, incorporated in 1982.

How to Minimize the Likelihood of Litigation and Conflict

- ❖ Inform yourself about the organization you serve.
- ❖ Study and be knowledgeable about the city's charter and existing policy.
- ❖ Remember that your authority derives from the council itself. Alone you have no authority.
- ❖ Your first duty is to the public you serve, not to any colleague, chief administrative officer or friend.
- ❖ Understand that the council's basic function is policy making and *not* administrative.
- ❖ Give the city employees the respect and consideration due dedicated, public service professionals.
- ❖ Insist that personnel complaints first go through the proper chain of command. If not resolved, only then should complaints come to the council.
- ❖ Know the law; respect both the spirit and letter of the law.
- ❖ Expect the council to comply with the law.
- ❖ Learn the open meetings laws, public contracting laws, budgeting laws, employment laws, etc.
- ❖ Insist that all city transactions be ethical, legal and appropriate.
- ❖ Hire and use an independent accountant and have a separate audit committee.
- ❖ Attend all council meetings. Stay informed. Insist on agendas and copies of reports well in advance of the next meeting. Review meeting minutes.
- ❖ Keep current on city business. Attend conferences, workshops and training seminars to learn about legislative changes having an impact on the city.
- ❖ Avoid conflict of interest by disclosing potential conflicts and refusing to debate, discuss or vote with respect to any matter in which you or your family has an interest.
- ❖ Respect the opinions of other councilors and graciously accept the principle of "majority rule" in council decisions.
- ❖ Do not make rash decisions in moments of excitement or emotion. Be sure you have all the facts. Do not rely on only a one-sided version of disputed issues. Demand sufficient information before voting.
- ❖ Recognize that an individual councilor has no legal status to act for the council outside of an official meeting, unless authority is given to councilors by majority vote of the council.
- ❖ Discourage discussions on matters of overall policy outside of regular council meetings.
- ❖ Do not make commitments on any matter that should properly come before the council as a whole.
- ❖ Do not allow personal issues to be brought into council considerations.
- ❖ Review your insurance and its coverages and exclusions.
- ❖ Read and be familiar with Oregon Revised Statutes pertaining to Code of Ethics and Oregon Public Meetings Law.

Communications – The Key to Success

Council effectiveness is dependent upon good group dynamics. Each new configuration of the council creates its own personality and style of operating. As with any group, each council must go through the usual evolution of forming, storming, norming, performing and, eventually, reforming.

A number of city councils in Oregon have adopted internal “communication agreements” to promote effective governance and establish ground rules for working together. The following are examples of such agreements:

Council Member Responsibilities and Meeting Guidelines

- ❖ Submit items for the agenda.
- ❖ State opinions or feelings honestly and openly.
- ❖ Stay on the agenda and help others to do so.
- ❖ Participate actively; speak out.
- ❖ Listen actively; seek clarification.
- ❖ Support the open meeting process.
- ❖ Facilitate problem solving.
- ❖ Protect others' rights.
- ❖ Avoid disruptive communication.
- ❖ Agree to discuss problems and conflicts when they arise.
- ❖ Before each meeting, ask yourself:

“What would help this council to move ahead and to get this problem resolved?”

“What can I do to help this council function more effectively?”

... each council must go through the usual evolution of forming, storming, norming, performing and, eventually, reforming.

Code of Conduct

- ❖ I will seek to understand others' perspectives.
- ❖ I will honor others in public and protect others in their absence.
- ❖ I will focus on issues, not personalities.
- ❖ I will be honest and truthful in all deliberations and interactions.
- ❖ I will individually support the collective decision-making of the city council. If I disagree with a decision made by the council, I will voice my opinion without personalizing the issue and without eroding the reputation of the city council. Once a decision is made, I will support that decision.
- ❖ I will present my views in a forthright, positive manner and respond to questions clearly and directly. I will focus on the present and the future. I will use the past only as data for the present and the future.
- ❖ I will not blame others for situations I have an opportunity to resolve.
- ❖ I will feel free to visit with other council members outside of meetings, but I will abide by the Oregon Public Meetings Law.
- ❖ I will give other council members, the mayor and city manager advance notice of significant matters to be introduced at council meetings.
- ❖ If I have a concern or issue with another council member or the city manager, I will go to that person first in a private and timely manner and share that concern. If unresolved, I will present the issue to the mayor in a private and timely manner to seek a means for resolution.
- ❖ I support the city's form of government.

Elected Officials and the Public Spotlight

Don't be alarmed if your personal life becomes front page news . . .

Becoming an elected official means living in the public spotlight 24 hours a day. Elected officials come to realize that this is simply a condition that accompanies the position—for better or worse. Don't be alarmed if your personal life becomes front page news and the "talk of the town". It's bound to happen sooner or later.

Media relations is a skill that can work in the city's favor. It is wise to develop a respectful relationship with the local reporter, and attempt to create a reciprocal relationship. Be sensitive to the reporter's job and his or her need to meet deadlines.

At the same time, be careful. Never speak "off the record". Expect anything you say to be used. Don't assume an interview is over until the reporter has left the scene.

Here are a few guidelines for surviving life in the "public fish bowl":

- ❖ Be truthful.
- ❖ If you don't know the answer, say so.
- ❖ Anticipate all situations and questions.
- ❖ Be prepared.
- ❖ Be accountable and responsible for everything you do and say.

Representing the Public

Two of the most important tasks of local government officials are to discover citizen opinion and to ensure that citizens have sufficient information to form knowledgeable opinions and to make responsible decisions (including voting). For these tasks to be carried out successfully, elected officials must solicit public input and encourage citizen participation and involvement.

Communication is important in achieving effective citizen participation in local government. Success depends on both the attitudes and interests of citizens and city officials. Citizens need to know their efforts are recognized and valued in the decision-making process. Public hearings, advisory committees, town hall meetings, televised council meetings, neighborhood associations, volunteer participation, public opinion polls, and interest groups are ways to connect citizens with city government in a significant way.

Community Visioning and Goal Setting

In Oregon, many councils conduct annual goal setting and community visioning processes.

Setting City Goals

A clear set of goals provides the framework within which nearly all other city activities can be accomplished. Goals provide direction, reduce crisis management environments, develop cohesiveness among council members, allow managers and staff to manage their time and activities effectively, and permit periodic evaluation of progress to make any necessary mid-course corrections.

Without goals a council cannot distinguish between movement and progress. Individuals and groups can spend tremendous effort and resources performing activities that, in retrospect, were not necessary. Often, the reason for this wasted effort is the absence of a clear set of priorities and specific plans for accomplishing them.

Typically, council goals are developed for a one- to two-year period. They are a tool for: a) focusing the council's efforts; b) communicating priority issues to the community; and c) providing clear direction to city staff. Council goals should be articulated in such a way that they are specific, realistic, outcome-based, within the city's control, and measurable. Once goals have been set and adopted by the council, they can be used as a measure for evaluating staff performance, guiding budget decisions, and managing unanticipated issues that arise during the year.

Visioning: Sustaining Quality of Life

City governance is an institution that enables a community of citizens, through their elected representatives, to maintain safety and a good quality of life, which is accomplished by developing policy, adopting implementing laws and ordinances, and planning for the delivery and financing of public services. Success is dependent upon the ability to stay in touch with the public's needs and desires, to understand the issues, and to balance the short- and long-term social, economic and environmental impacts.

A vision statement provides a blueprint for the future and helps the council, staff and citizens to set priorities and make decisions to achieve desired outcomes. In 1993, a group of city government officials gathered and, looking ten years into the future, drafted a vision for Oregonians. These officials represented small, medium and large cities, as well as the diverse regions of the state. The vision reprinted below illustrates how common goals for the future might guide policy, funding allocations and community planning decisions.

Envision Oregon's Future

In the year 2003, the complexion of Oregon reflects **livable, viable communities**. Oregon's vision places emphasis on empowering the individual and strengthening the family by providing quality education; family-wage jobs; medical, health and community services; a safe, clean environment; a reliable, responsive infrastructure; and governing system that responds to community priorities.

Oregon's education system is well-coordinated and provides **quality education** where each individual is valued, where educational standards are achieved, where the needs of the business community are met, and where emphasis is placed on life-long learning.

Oregon's **well-trained, well-educated workforce** supports a strong, diversified, and **robust economy**. Business and industry support Oregon's quality of life by providing **family-wage jobs**, supporting the family, cooperating with education, investing in the community, and protecting the environment.

Oregon responded to the rapid increase in growth with **well-managed use of land, community and housing development**, and a successful system of **transportation alternatives**.

Oregon is still nationally recognized for its natural **environment**. While Oregon's growth has put enormous pressure on its natural resources, air, land and water, the cost of preservation and protection has been fairly and reasonably assessed and shared.

Providing for the economically disadvantaged and the physically and mentally disabled is no longer viewed as a burden, but as a responsibility. Cooperative partnerships have been formed among social service agencies, schools, government, business, and community-based organizations to meet **human service needs** at the local and state levels. **Health care** is now provided for all Oregon residents.

A renewed sense of community has produced **safer, more secure communities** and neighborhoods. A wide variety of arts, recreation, leisure and cultural activities is accessible to all citizens. Because residents' priorities are addressed at the city and county level, citizen trust in government has been regained, community involvement and volunteerism has increased, and local elected leadership is strong.

Oregon government has become more efficient. **State and local governments have forged a cooperative working partnership, enabling state government to support and assist local governments' efforts to effectively administer and finance local programs and services and respond to citizen priorities at the community level.**

About the League of Oregon Cities

The League of Oregon Cities (LOC) is a voluntary membership organization of dues-paying city governments in Oregon. The League believes that local problems are best resolved at the local level, and that people are best served by a strong and responsive local government.

Founded in 1925, LOC's membership includes 238 of the 240 incorporated cities in Oregon. The League provides a variety of services to city elected officials and appointed staff, including:

Legislative Services. LOC speaks for a broad and diverse group of cities. *Together, cities have a strong, collective voice.* LOC works hard to provide legislators, their staff and city members with accurate, timely information. We remind legislators that they share a common interest with municipal officials—we serve the same constituents. The weekly *Legislative Bulletin* and time-critical action calls involve members during the legislative session.

Policy-Setting. A 55-member Legislative Committee, and several issue-specific Standing Committees, each with members representing large and small communities across the state, guide legislative endeavors. The *Oregon Municipal Policy* is the official long-range policy statement of Oregon's cities on a wide variety of topics.

Intergovernmental Relations. LOC serves as a liaison with local, regional, state and federal agencies. LOC is a member of, and partner with, the National League of Cities and other prominent local government associations.

Technical Assistance. League staff respond daily to questions from city officials on a wide variety of issues as well as city practices and procedures. We provide sample ordinances and charters and a variety of how-to publications, as well as point to additional helpful resources.

Conferences & Training. LOC offers many opportunities for city officials to acquire the necessary skills and up-to-date information to enable them to serve their citizens efficiently and effectively, as well as to provide forums to share knowledge and skills to solve common problems. Examples are the League's annual conference in November, drawing approximately 1,000 officials from across the state; regional meetings on various topics of critical concern; legislative conferences; and affiliate group meetings. In addition, LOC's Elected Officials Workshops cover the basics of governing for officials new to office, and serve as a refresher for "experienced" officials. *If you are elected to office, we strongly encourage you to attend this workshop.*

Publications. Among the League's most popular publications are its monthly informational newsletter, the *LOCal Focus*; the *Legislative Bulletin* (weekly during the legislative session); and the *Handbook for Oregon City Councilors*, a must for newly-elected officials.



League of Oregon Cities • PO Box 928, Salem, OR 97308 • (503) 588-6550
web: www.orlocalgov.org/loc • e-mail: loc@orlocalgov.org

Additional Resources and Recommended Reading

Oregon Government Standards and Practices Commission
"Oregon Government Standards and Practices Laws: A Guide for Public Officials"
(503) 378-5105

Secretary of State's Office – Elections Division
"City Elections Manual"
(503) 986-1518
web: www.sos.state.or.us

Department of Justice
"Attorney General's Public Records and Meetings Manual"
(503) 378-2992, ext. 325

League of Oregon Cities
"Handbook for Oregon City Councilors"
(503) 588-6550

Campaign Finance Reporting in Oregon

Candidate "Quick Guide"

Congratulations on your decision to run for office! We hope this guide provides tips and answers to frequently asked questions by first-time candidates.



More detailed information is available in the **Campaign Finance Manual** and the **ORESTAR User's Manuals** available at www.oregonvotes.gov. The Campaign Finance Manual explains what information is disclosed when reporting campaign finance transactions. The ORESTAR User's Manual: Statement of Organization and ORESTAR User's Manual: Transaction Filing explains how to file a statement of organization and campaign finance transactions electronically using ORESTAR.

Who Must File a Candidate Committee?

If you	Then
<ul style="list-style-type: none"> → Serve as your own treasurer and → Do not have an existing candidate committee and → Do not expect to spend or receive more than \$750 during the entire calendar year (including in-kind contributions and personal funds) 	<ul style="list-style-type: none"> ✓ Relax. No action is necessary because under Oregon Election Law you are not required to establish a candidate committee if you meet all of the criteria. However, you must keep track of all contributions and expenditures because if you exceed the \$750 threshold you must establish a committee and open a dedicated bank account not later than three business days after exceeding the threshold. Additionally, all transactions occurring in the calendar year must be filed in ORESTAR not later seven days of exceeding the threshold.
<ul style="list-style-type: none"> → Do not expect to receive a total of more than \$3,500 or spend a total of more than \$3,500 for the entire calendar year 	<ul style="list-style-type: none"> ✓ File a Statement of Organization and establish a dedicated bank account – either by using ORESTAR or by submitting the paper forms Statement of Organization for Candidate Committee (SEL 220) and Campaign Account Information form (SEL 223) ✓ File a Certificate of Limited Contributions and Expenditures either by using ORESTAR or by submitting the paper form (PC 7) not later than seven days after first receiving a contribution or making an expenditure
<ul style="list-style-type: none"> → Expect to spend or receive more than \$3,500 	<ul style="list-style-type: none"> ✓ File a Statement of Organization and establish a dedicated bank account – either by using ORESTAR or by submitting the paper forms Statement of Organization for Candidate Committee (SEL 220) and Campaign Account Information form (SEL 223) ✓ File campaign finance transactions using ORESTAR

What starts the whole process?

The decision to run for a public office, accepting contributions and making expenditures, whether from personal funds, campaign funds, or another person's funds to support your candidacy.

Once I become a candidate, then what?

You must register your committee with the Secretary of State not later than 3 business days of first receiving a contribution or making an expenditure if you are not exempt under the \$750 threshold law.

May I serve as my own treasurer?

Yes, you may serve as your own treasurer. The Campaign Finance Manual provides committees with information on candidate/treasurer responsibilities.

Must I have a dedicated campaign account?

Oregon law requires you to establish a dedicated campaign account if you are required to file a Statement of Organization. The account must be established in a financial institution located in Oregon that ordinarily conducts business in Oregon. One important reminder—when establishing your campaign account, the name of the committee and the name of the account must be the same.

Campaign Finance Reporting in Oregon (cont.)

Candidate "Quick Guide"

How do I file?

The key to complying with campaign contribution and expenditure disclosure requirements is to keep detailed records and file your transactions on time.

Electronic Filing

Oregon Election law requires that campaign finance transactions be filed electronically. The Secretary of State's Office provides an electronic filing system, ORESTAR, free of charge. There is a terminal located in the Election's Division office for public use.

What if I don't own a computer?

A Statement of Organization (SEL 220), Campaign Account Information (SEL 223) and Certificate of Limited Contributions and Expenditures (PC 7) may be filed using the paper forms. If you are not eligible to file a Certificate, contribution and expenditure transactions must be reported electronically using ORESTAR. You may want to check with your local library or other public facilities in your area to see if they provide a computer terminal for public use.

When do I report contribution and expenditures?

Generally, the deadline for filing a transaction is not later than 30 calendar days after the date of the transaction. For committees active in an election, beginning on the 42nd day before the date of the election and through the date of the election, a transaction is due not later than 7 calendar days after the date of the transaction. The campaign finance reporting requirements and additional transaction deadlines are available in the Campaign Finance Manual. Information on how to electronically file transactions is detailed in the ORESTAR User's Manual: Transaction Filing.

Are my campaign finance transactions public record?

Yes, after the transactions are filed in ORESTAR they are immediately available to the public by accessing the Public Search link for ORESTAR.

Are there campaign contribution and expenditure limits?

No, Oregon does not have contribution and expenditure limits.

How do I discontinue my committee?

In order to discontinue your committee, you must: Achieve a zero balance and file a Statement to Organization discontinuing the committee.

Where do I get copies of forms and instructional manuals?

All publications and forms are available online at www.oregonvotes.gov, or may be requested from the Elections Division at 503 986 1518.

Need additional help?

The Elections Division staff is available to answer any questions. You may:

- email your questions to elections.sos@state.or.us
- call us at 503 986 1518 or at 866 ORE VOTE
- visit our website at www.oregonvotes.gov

Candidate Filing

Major Political Party or Nonpartisan

SEL 101

rev 09/15
ORS 249.031

Filing Dates	Candidate Filing	State Voters' Pamphlet	Candidate Withdrawal
Primary Election May 17, 2016		Filed electronically using ORESTAR	
First Day to File	September 10, 2015	January 18, 2016	
Last Day to File	March 08, 2016	March 10, 2016	March 11, 2016
General Election November 8, 2016			
First Day to File	June 1, 2016	July 11, 2016	
Last Day to File	August 30, 2016	August 30, 2016	September 2, 2016

i All information must be completed or the form will be rejected.

This filing is an

Original

Amendment

Filing Officer

Secretary of State

County Elections Official

City Recorder (Auditor)

Office Information

Filing for Office of:

District, Position or County:

Party Affiliation: Democratic Party Republican Party Independent Party Nonpartisan

Incumbent Judge: Yes No Nondisclosure on file

Paying by Declaration or Petition:

Declaration, with the required fee

Office	Filing Fee	Office	Filing Fee
United States President	n/a	District Attorney	\$50
United States Vice President	n/a	County Judge	\$50
United States Senator	\$150	MSD Executive Officer, MAD Director	\$100
United States Representative	\$100	MSD Councilor	\$25
Statewide Offices	\$100	County Office	\$50
State senator or Representative	\$25	City Office	Set by charter or ordinance
Circuit Court Judge	\$50	Justice of the Peace	n/a

Prospective Petition

Petition circulators will be paid Yes No

Candidate Information

Name of Candidate

First | MI | Last | Suffix | Title

How you would like your name to appear on the ballot

Candidate Residence/Route Address

Street Address | City | State | Zip | County

Candidate Mailing Address

Street Address or PO Box | City | State | Zip

Contact Information: Only one phone number is required.

Work Phone

Home Phone

Cell Phone

Fax

Email Address

Web Site, if applicable

Occupation (present employment) If no relevant experience, None or NA must be entered.

Occupational Background (previous employment) If no relevant experience, None or NA must be entered.

Educational Background (schools attended) If no relevant experience, None or NA must be entered.

Complete name of School (no acronyms)

Last Grade completed

Diploma/Degree/Certificate

Course of Study

Educational Background (other) Attach a separate sheet if necessary.

Prior Governmental Experience (elected or appointed) If no relevant experience, None or NA must be entered.

Campaign Finance Information (not applicable to candidates for federal office)

Candidate Committee

- Yes, I have a candidate committee.
- No, I do not expect to spend more than \$750 or receive more than \$750 during each calendar year. I understand I must still keep records of all campaign transactions and if total contributions or total expenditures exceed \$750 during a calendar year, I must follow the requirements detailed in the Campaign Finance Manual.
- No, but will be filing a Statement of Organization for Candidate Committee (SEL 220).

By signing this document, I hereby state that:

- I will accept the nomination for the office indicated above
- I will qualify for said office if elected
- all information provided by me on this form is true to the best of my knowledge **and**
- no circulators will be compensated based on the number of signatures obtained by the circulator on a prospective petition

For Major Political Party Candidates

- if not nominated, I will not accept the nomination or endorsement of any political party other than the one named
- I have been a member of said political party, subject to the exceptions stated in ORS 249.046, for at least 180 days before the deadline for filing a nominating petition or declaration of candidacy (ORS 249.031). Does not apply to candidates filing for the office of US President.



Warning

Supplying false information on this form may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. (ORS 260.715). A person may only file for one lucrative office or not more than one precinct committee person at the same election. Unless the person has withdrawn from the first filing, all filings are invalid.(ORS 249.013 and ORS 249.170)

Candidate's Signature

Date Signed

Office Use Only: Initials _____ Batch Sheet/CC Approval Code/Receipt Number _____

Candidate Signature Sheet | Nonpartisan

Petition ID _____

Signatures for this petition are being gathered by PAID Circulators VOLUNTEER Circulators
This is a candidate nominating petition. Signers of this page must be active registered voters in the county listed.
 Signatures must be verified by the appropriate county elections official before the petition can be filed with the filing officer.
 Candidates should allow ample time for the verification process to be completed before 5pm on the filing deadline day.

County _____

Candidate Information	
Name _____	Office _____
Election _____	District or Position Number _____

To the Secretary of State of Oregon/County Elections Official/City Recorder, We the undersigned voters, request the candidate's name be placed on the ballot at the election listed above for nomination to the office indicated.

Signers must initial any changes the circulator makes to their printed name, residence address or date they signed the petition.

Signature	Date Signed mm/dd/yy	Print Name	Residence or Mailing Address street, city, zip code
1 _____	_____	_____	_____
2 _____	_____	_____	_____
3 _____	_____	_____	_____
4 _____	_____	_____	_____
5 _____	_____	_____	_____
6 _____	_____	_____	_____
7 _____	_____	_____	_____
8 _____	_____	_____	_____
9 _____	_____	_____	_____
10 _____	_____	_____	_____

Circulator Certification This certification must be completed by the circulator and additional signatures should not be collected on this sheet once the certification has been signed and dated.
 I hereby certify that I witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet, and I believe each person is a voter qualified to sign the petition (ORS 249.061). I also hereby certify that compensation I received, if any, was not based on the number of signatures obtained for this petition.

Circulator Signature _____	Date Signed mm/dd/yy _____	Sheet Number _____
----------------------------	----------------------------	--------------------

Sheet will be numbered by group submitting the petition.

Candidate Signature Sheet | Nonpartisan

Signatures for this petition are being gathered by

PAID Circulators

VOLUNTEER Circulators

This is a candidate nominating petition. Signers of this page must be active registered voters in the county listed.

 Signatures must be verified by the appropriate county elections official before the petition can be filed with the filing officer. Candidates should allow ample time for the verification process to be completed before 5pm on the filing deadline day.

Petition ID _____

County _____

Candidate Information	
Name	Office
Election	District or Position Number

To the Secretary of State of Oregon/County Elections Official/City Recorder, We the undersigned voters, request the candidate's name be placed on the ballot at the election listed above for nomination to the office indicated.

 Signers must initial any changes the circulator makes to their printed name, residence address or date they signed the petition.

Signature	Date Signed mm/dd/yy	Print Name	Residence or Mailing Address street, city, zip code
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Circulator Certification This certification must be completed by the circulator and additional signatures should not be collected on this sheet once the certification has been signed and dated.

I hereby certify that I witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet, and I believe each person is a voter qualified to sign the petition (ORS 249.061). I also hereby certify that compensation I received, if any, was not based on the number of signatures obtained for this petition.

Circulator Signature	Date Signed mm/dd/yy	Sheet Number
		Sheet will be numbered by group submitting the petition.

Printed Name of Circulator _____

County Elections Officials provide a separate certification to attach to the petition.

Circulator's Address street, city, zip code _____

Candidate Signature Sheet | Nonpartisan

Petition ID _____

Signatures for this petition are being gathered by PAID Circulators VOLUNTEER Circulators
This is a candidate nominating petition. Signers of this page must be active registered voters in the county listed.
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County _____

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Name _____	Office _____
Election _____	District or Position Number _____

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 Signers must initial any changes the circulator makes to their printed name, residence address or date they signed the petition.

Signature	Date Signed mm/dd/yy	Print Name	Residence or Mailing Address street, city, zip code
1 _____	_____	_____	_____
2 _____	_____	_____	_____
3 _____	_____	_____	_____
4 _____	_____	_____	_____
5 _____	_____	_____	_____
6 _____	_____	_____	_____
7 _____	_____	_____	_____
8 _____	_____	_____	_____
9 _____	_____	_____	_____
10 _____	_____	_____	_____

Circulator Certification This certification must be completed by the circulator and additional signatures should not be collected on this sheet once the certification has been signed and dated!
I hereby certify that I witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet, and I believe each person is a voter qualified to sign the petition (ORS 249.061). I also hereby certify that compensation I received, if any, was not based on the number of signatures obtained for this petition.

Circulator Signature _____	Date Signed mm/dd/yy _____	Sheet Number _____
		Sheet will be numbered by group submitting the petition.

Statement of Organization for a Candidate Committee

SEL 220

rev 01/16
ORS 260.039

Statement of Organization Information

A candidate may have only one Candidate Committee

Filing a New Committee: This form, along with the Campaign Account Information form (SEL 223), must be completed and filed not later than 3 business days of first receiving a contribution or making an expenditure. The "Original" box should be marked on both forms.

A Candidate Who Serves as the Treasurer: A candidate may either serve as the candidate's own treasurer or may appoint a separate treasurer. A candidate who serves as their own treasurer, does not have an existing candidate's committee and does not expect to receive or spend more than \$750 for a calendar year is not required to establish a campaign account, file a Statement of Organization or file transactions. However, if at any time the candidate exceeds \$750 in either contributions or expenditures in a calendar year, the candidate must then establish a campaign account, file a Statement of Organization and file contribution and expenditure transactions. See the 2016 Campaign Finance Manual for deadline information.

Amending Information on this Form: Any change in the information on this form must be filed not later than 10 days of the change. To notify the Elections Division of a change in information, submit this form, completed in its entirety, and mark the "Amendment" box. A newly appointed treasurer must be a signer on the campaign account, therefore an amended SEL 223 must also be filed.

Discontinuing: A candidate may discontinue their committee if there are no outstanding debts or obligations, a zero cash balance is achieved and by filing a completed SEL 220 with the "Discontinuation" box marked.

This filing is an: Original Amendment Discontinuation

Committee Information

Name of Committee (if changing the committee name, please include the former name)

Committee Address (no post office box and must be an address in Oregon)

Street | City | State | Zip

Campaign Phone | Extension

Candidate Information

Name of Candidate

Mr. | First | MI | Last | Suffix | Title
 Ms.

Candidate Address (no PO Box)

Street Address | City | State | Zip

Mailing Address for Candidate Correspondence

Street Address or PO Box | City | State | Zip

Candidate Occupational Information (only one phone number is needed, all other fields are required except Fax)

Self-Employed | Occupation (if Self Employed indicate the nature of your business)
 Not Employed

Employer's Name | City | State

Contact Information

Work Phone | Home Phone | Fax (not required) | Email Address

Treasurer Information

Name of Treasurer

Mr. | First | MI | Last
 Ms.

Mailing Address and Contact Information for Treasurer Correspondence (only one phone number is needed, all other fields are required except Fax)

Street Address or PO Box | City | State | Zip

Work Phone | Home Phone | Fax (not required) | Email Address

Director(s) Information: If the committee has more than one director, attach a list of additional directors and include all the information required. A committee director is not required for candidate committee. (all fields are required)

Name of Director

Mr. | First | MI | Last
 Ms.

Mailing Address for Director

Street Address or PO Box | City | State | Zip

Director Occupational Information

Work Phone | Self-Employed | Occupation (if Self Employed indicate the nature of your business)
 Not Employed

Name of Employer | City | State

If two or more directors of this political committee are directors of another committee, list the name of the director, and the name and address of the other committee by attaching a separate piece of paper.

Alternate Transaction Filer Information (a person other than the candidate or treasurer) (all fields are required)

Name of Alternate Transaction Filer

Mr. | First | MI | Last
 Ms.

Mailing Address and Contact Information for Alternate Transaction Filer Correspondence

Street Address or PO Box | City | State | Zip

Work Phone | Email Address

Correspondence Recipient Information (a person other than the candidate or treasurer) (all fields are required)

Name of Correspondence Recipient

Mr. | First | MI | Last
 Ms.

Mailing Address and Contact Information for Correspondence Recipient

Street Address or PO Box | City | State | Zip

Work Phone | Email Address

Office Information for Candidate

Office Sought by candidate | District, Position, County or City | Position Number

Candidate Election Activity – mark the appropriate box and fill in year

Primary 20 | General 20 | Other Election Date

Party Affiliation: Choose one if filing for a partisan office

Constitution | Democratic | Independent | Libertarian | Pacific Green
 Progressive | Republican | Working Families | Nonaffiliated | Other

Other Election Activity

Supports or opposes multiple candidates and measures (if this is marked there is no requirement to name the candidates or measures).

Supports specific measures or recall | Measure Number(s)
Candidate(s) being recalled:

Opposes specific measures or recall | Measure Number(s)
Candidate(s) being recalled:

SEL 223

Attached is a Campaign account Information Form (SEL 223) | Yes | No

Candidate Attestation

By signing this document, I acknowledge that I am personally liable for any penalties imposed under ORS Chapter 260 and attest that the information on the form is true and correct.

Candidate's Signature | Date Signed

Treasurer's Attestation if different than Candidate

By signing this document, I attest that the information on the form is true and correct.

Treasurer's Signature | Date Signed

For Office Use Only Initials _____ Committee Number _____ Date SEL 223 Received _____ Date Attached to Committee _____

Petition Submission

Candidate, Voters' Pamphlet

SEL 338rev 01/14
OAR 165-010-0005, 165-014-0005

This form must be completed and filed with each submittal of signatures.

Filing Officer State County for both county and district petitions City**Election Type****Year** Primary General Special Election 2014 2016 2018**Petition Information****Candidate Name or Measure Number****Type of Filing****Number of Signatures Submitted** Candidate Nominating Petition Voters' Pamphlet, Candidate Voters' Pamphlet, Measure**Candidate**

→ By signing this document, I hereby state that all information on the form is true and correct to the best of my knowledge.

Name**Contact Phone****Email Address****Signature****Date Signed****Measure Argument Filer**

→ By signing this document, I hereby state that all information on the form is true and correct to the best of my knowledge.

Name**Contact Phone****Email Address****Signature****Date Signed**

Candidate Filing Withdrawal

SEL 150rev 1/16 ORS 249.170, ORS 249.180
ORS 249.830, ORS 255.235**Withdrawal Deadlines**

2016 Primary Election March 11, 2016	2016 General Election September 2, 2016	2017 District Election March 16, 2017
------------------------------------------------	---------------------------------------------------	-------------------------------------------------

i All information must be completed or the form will be rejected.

This filing is an Original Amendment

Filing Officer

Secretary of State County Elections Official City Recorder (Auditor)

Withdrawal from Candidacy or Nomination for Office Information

Office of:

District, Position or County:

Candidacy for Nomination Nomination to Political Party

Candidate and Nominee Information**Name of Candidate**

First MI Last Suffix

Candidate Residence/Route Address

Street Address City State Zip

Candidate Mailing Address and Contact Information: Only one phone number and an email are required.

Street Address or PO Box City State Zip

Work Phone Home Phone Cell Phone Fax

Email Address (required) Web Site, if applicable

Withdrawal Reason-

I submit notice of withdrawal from candidacy or nomination to the above named office. My reason for withdrawal is:

By signing this document, I hereby state that:

- I withdraw my candidacy or nomination for the office stated above and
- The reasons provided by me on this form for withdrawal are true.

**Warning**

Supplying false information on this form may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. (ORS 260.715).

Candidate's Signature**Date Signed****For Office Use Only** Initials _____

CITY OF PHOENIX CHARTER

Approved in a Special Election on November 3, 2015

PREAMBLE

We, the people of Phoenix, Oregon, in order to avail ourselves of self-determination in municipal affairs to the fullest extent now or hereafter possible under the constitutions and laws of the United States and the state of Oregon, through this charter confer upon the city the following powers, subject it to the following restrictions, prescribe for it the following procedures and governmental structure, and repeal all previous charter provisions of the city.

CHAPTER I: NAMES AND BOUNDARIES

Section 1. Title. This charter may be referred to as the 2015 Phoenix Charter.

Section 2. Name. The city of Phoenix, Oregon, continues as a municipal corporation with the name City of Phoenix.

Section 3. Boundaries. The city includes all territory within its boundaries as they now exist or hereafter are modified pursuant to state law. The custodian of the city's records shall keep an accurate, current description of the boundaries and make a copy of it available for public inspection in the city during regular city office hours.

CHAPTER II: POWERS

Section 4. Powers. The city has all powers that the constitutions, statutes, and common law of the United States and of this state now or hereafter expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.

Section 5. Construction of Powers. The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law. All powers are continuing unless a specific grant of powers clearly indicates the contrary.

Section 6. Distribution of Powers. Except as this charter prescribes otherwise, and as the Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters, this charter vests all other city powers in the council. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.

CHAPTER III: FORM OF GOVERNMENT

Section 7. Council. The council consists of a Mayor and six councilors nominated and elected from the city at large.

Section 8. Mayor. The Mayor presides over and facilitates council meetings, preserves order, enforces council rules, determines the order of business under council rules, votes in case of a tie, and has no veto authority. With the consent of council, the Mayor appoints members of commissions and committees established by ordinance or resolution. The Mayor must sign all records of council decisions and serves as the political head of the city government.

Section 9. Council President. At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the Mayor, acts as Mayor when he/she is unable to perform his/her duties, and becomes Mayor when there is a vacancy in the office of Mayor. Upon the Council President's ascendancy to Mayor, the council vice president becomes council president and the council must elect a new council vice president from its membership.

Section 10. Council Vice President. At its first meeting each year, the Council shall appoint a vice president from its membership. The vice president presides in the absence of the Mayor and council president and acts as Mayor when the mayor and Council president are unable to perform their duties.

Section 11. Rules. The Council must by resolution adopt rules to govern its meetings.

Section 12. Meetings. The Council must meet in the city regularly at least once a month at a time and place designated by Council's rules, and may meet at other times in accordance with the rules.

Section 13. Quorum. Except as provided in Section 33, (Vacancies, Filling), four Council members shall constitute a quorum and be necessary to conduct business. However, a smaller number of Council members may meet and compel attendance of absent Councilors as prescribed by Council rules. If the Mayor's inclusion is needed to establish a quorum, he/she may become a voting member for that meeting. As set forth in Section 33, (Vacancies, Filling), of this charter, a vacancy in the Council shall be filled by appointment by a majority of the remaining Council members, regardless of the actual number of remaining Councilors.

Section 14. Vote Required. Except as this charter prescribes otherwise, the express concurrence of a majority of the Council members present and constituting a quorum, is necessary to decide affirmatively a question before the Council.

Section 15. Record of Proceedings. A record of Council proceedings shall be kept by some mechanical device, as well as manually. The mechanical record shall be retained as provided for by state law.

Section 16. Ordinances. The Council will exercise its legislative authority by adopting ordinances.

Section 17. Ordinance Adoption.

- (1) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the Council at two meetings.
- (2) If it contains an emergency clause, the Council may adopt an ordinance at a single meeting by a 2/3 approval of the Council.
- (3) Any amendment to a proposed ordinance must be read aloud or made available in writing to the public before the Council adopts the ordinance at that meeting.
- (4) After the adoption of an ordinance, the vote of each member must be entered into the Council minutes.
- (5) After adoption of an ordinance, the City Recorder must endorse it with the date of adoption and his or her name and title.
- (6) An ordinance may be suspended pursuant to changes in Oregon State Law.

Section 18. Effective Date of Ordinance. Ordinances ordinarily take effect on the 30th day after adoption – the date approved by the City Council - or on a later date as provided in the ordinance. An ordinance that contains an emergency clause shall take effect as soon as it is adopted or on such later date specified in the ordinance.

CHAPTER IV: ADMINISTRATIVE AUTHORITY

Section 19. Resolutions. The council will normally exercise its administrative authority by approving resolutions.

Section 20. Resolution Approval

- (1) Approval of a resolution or any other Council administrative decision may be approved by the Council at one meeting.
- (2) Any amendment to a resolution must be read aloud or made available in writing to the public before the Council adopts the resolution at the meeting.

(3) After approval of a resolution or other administrative decision, the vote of each member must be entered into the Council minutes.

(4) After approval of a resolution, the City Recorder must endorse it with the date of approval and his or her name and title.

Section 21. Effective date of Resolution. Resolutions and other administrative decisions take effect on the date of approval by the City Council or on a later day provided in the resolution.

CHAPTER V: QUASI-JUDICIAL AUTHORITY

Section 22. Orders. The Council will normally exercise its quasi-judicial authority by approving orders.

Section 23. Order Approval.

(1) Approval of an order or any other Council quasi-judicial decision may be approved by the Council at one meeting.

(2) Any amendment to an order must be read aloud or made available in writing to the public at the meeting before the Council adopts the order.

(3) After approval of an order or other Council quasi-judicial decision, the vote of each member must be entered in the Council minutes.

(4) After approval of an order, the City Recorder must endorse it with the date of approval and his or her name and title.

Section 24. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.

CHAPTER VI: ELECTIONS

Section 25. State Law. Except as this charter or a city ordinance prescribes to the contrary, a city election shall conform to state law applicable to the election. All elections for city offices must be nonpartisan.

Section 26. Councilors. The term of a Councilor in office when this charter is adopted is the term for which the Councilor was elected or appointed. At each general election preceding the expiration of their terms of office, three Councilors shall be elected each for a four year term.

Section 27. Mayor. The term of the Mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At a general election preceding the

expiration of the Mayor's term in office, a Mayor shall be elected for a two year term.

Section 28. Term of Office. The term of office of an elective officer who is elected at a general election begins at the first Council meeting of the year immediately after the election and continues until the successor to the office assumes the office.

Section 29. Prerequisite.

- (1) An elective city officer shall be a qualified elector under the state constitution and shall have resided in the city limits during the 12 months immediately before being elected or appointed to the office.
- (2) No person may be a candidate at a single election for more than one elective city office.
- (3) The Council is the final judge of the election and whether its members have met the prerequisites of the position.
- (4) The prerequisites of appointive officers of the city are whatever the Council prescribes or authorizes.
- (5) Neither the Mayor nor a Councilor may be employed by the city.

Section 30. Nominations. The Council must adopt an ordinance prescribing the manner for a person to be nominated to run for Mayor or a city Council position.

Section 31. Oath of Office. Before assuming city office, an office holder shall take an oath or affirm that he or she will faithfully perform the duties of the office and support the laws of the City of Phoenix.

Section 32. Vacancies, Occurrence. The office of Mayor or of a member of the City Council becomes vacant:

- (1) Upon the incumbent's:
 - (a) Death,
 - (b) Adjudicated incompetence, or
 - (c) Recall from office; or
- (2) Upon declaration by the Council of the vacancy in case of the incumbent's:
 - (a) Failure, following election or appointment to the office, to qualify for the office within ten (10) days after the time for the term of office to begin,
 - (b) Absence from the city for thirty (30) days or from all meetings of the Council within a 45-day period without the Council's consent,
 - (c) Ceasing to reside in the city,
 - (d) Ceasing to be a qualified elector under state law,

- (e) Conviction of a public offense punishable by loss of liberty, or
- (f) Resignation from the office.

Section 33. Vacancies, Filling.

- (1) A vacancy in the Council shall be filled by appointment by a majority of the remaining Council members. The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office.
- (2) A vacancy in the office of Mayor shall be filled by the Council president for the remainder of the vacated term.
- (3) A vacancy in the office of Council president will be filled by the Council vice-president for the remainder of the vacated term.
- (4) A vacancy in the position of Council vice-president will be filled by Council appointment of a Council vice-president at the next Council meeting.

CHAPTER VII: APPOINTIVE OFFICERS

Section 34. Appointive Offices. A majority of the Council may:

- (1) Create, abolish, and combine appointive city officers,
- (2) Appoint the City Manager by majority vote of the Council.

Section 35. City Manager.

- (1) The office of the City Manager is established as the administrative head of the city government. The City Manager is responsible to the Mayor and Council for the proper administration of all city business. The City Manager will assist the Mayor and Council in the development of city policies, and carry out policies established by ordinances and resolutions.
- (2) A majority of the Council must appoint and may remove the City Manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.
- (3) The City Manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the Council. The Council may fill the office by appointment as soon as possible after the vacancy occurs.
- (4) The City Manager must:
 - (a) Attend all Council meetings unless excused by the Mayor or Council;
 - (b) Report and recommend to the Mayor and Council about the needs of the city;

(c) Administer and enforce ordinances, resolutions, franchises, leases, contracts, permits, and other Council decisions;

(d) Appoint, supervise and remove city employees;

(e) Organize city departments and administrative structure;

(f) Prepare and administer the annual city budget;

(g) Administer city utilities and property;

(h) Encourage and support regional and intergovernmental cooperation;

(i) Promote cooperation among Council, staff and citizens in developing city policies and fostering a sense of community.

(j) Perform other duties as directed by the Council;

(k) Delegate duties, but remain responsible for acts of all subordinates.

(5) The City Manager has no authority over the Council or over the judicial functions of the Municipal Judge.

(6) The City Manager and other employees designated by the Council may sit at Council meetings but have no vote. The City Manager may take part in all Council discussions.

(7) When the City Manager is temporarily disabled from acting as City Manager, the Council may appoint a City Manager pro tem. The City Manager pro tem has the authority and duties of the City Manager, except that a pro tem City Manager may appoint or remove employees only with Council approval.

(8) No individual City Council member may directly or indirectly attempt to coerce the City Manager or a candidate for the office of City Manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this provision is grounds for removal from office by a majority of the Council after a public hearing.

9) The Council as a whole may discuss, suggest, request or require actions of the City Manager relating to city business and in conformance with his/her contract and the boundaries of this Charter.

Section 36. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the Council must appoint and may remove the City Attorney.

Section 37. Municipal Court and Judge.

(1) A majority of the Council may appoint and remove a municipal judge. A municipal judge will hold court in the city in such place as the Council directs. The court will be known as the Municipal Court.

(2) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

(3) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

(4) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinance. The court also has jurisdiction under state law unless limited by city ordinance.

(5) The municipal judge may:

(a) Render judgments and impose sanctions on persons and property;

(b) Issue and compel obedience to subpoenas;

(c) Compel witness to appear and testify and jurors to serve for trial before the court;

(d) Penalize contempt of court;

(e) Issue processes necessary to enforce judgment and orders of the court;

(f) Issue search warrants; and

(g) Perform other judicial and quasi-judicial functions assigned by ordinance.

(6) The Council may transfer some or all of the functions of the municipal court to an appropriate state court.

CHAPTER VIII: PERSONNEL

Section 38. Compensation. The Council may review and evaluate and adjust compensation for the City Manager. The Council may authorize the compensation of city officers and non-bargaining unit employees through the evaluation of the City Manager and on his/her recommendation for other non-bargaining unit employees.

CHAPTER IX: MISCELLANEOUS PROVISIONS

Section 39. Annexation. Annexations shall be in compliance with state law through city ordinances.

Section 40. Debt. The city's indebtedness may not exceed debt limits imposed by state law. A city officer or employee who creates or officially approves indebtedness in excess of this limitation is jointly and severally liable for the excess. A charter amendment is not required to authorize city indebtedness.

Section 41. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remains in effect until amended or repealed.

Section 42. Repeal. All charter provisions adopted before this charter takes effect are hereby repealed.

Section 43. Severability. The terms of this charter are severable. If a part of the charter is held invalid, that invalidity does not affect another part of the charter, except as the logical relation between the two parts requires.

Section 44. Time of Effect. This charter takes effect on December 1, 2015.

Protecting the public's right to know

A QUICK REFERENCE GUIDE TO OREGON'S PUBLIC MEETINGS LAW

For local and state officials, members
of Oregon boards and commissions, citizens,
and non-profit groups

This guide is published as a public service by
Open Oregon: a Freedom of information Coalition
and the Oregon Attorney General's office.



A Time Saving Reference

This guide is brought to you free of charge as a joint project between Open Oregon: A Freedom of Information Coalition and Oregon Attorney General Hardy Myers. Funding for this booklet came from the National Freedom of Information Coalition through a grant from the John S. and James L. Knight Foundation.

How to Use This Guide

This summary is intended as a quick reference to the Oregon Public Meetings Law. The entire law may be found in Oregon Revised Statutes 192.610 to 192.690. Additional information may be obtained by sending an e-mail request to info@open-oregon.com or visiting www.open-oregon.com

For a comprehensive analysis of the law, refer to the latest edition of the Attorney General's Public Records and Meetings Manual, available for a nominal fee by calling (503) 378-2992 or writing to Department of Justice, Administrative Services, 1162 Court Street NE, Salem, Oregon 97301-4096.

What is Open Oregon?

Open Oregon: A Freedom of Information Coalition is a non-profit educational and charitable organization with a single purpose: to assist and educate the general public, students, educators, public officials, media and legal professional to understand and exercise:

- Their rights to open government.
- Their rights and responsibilities under the Oregon public meetings and records laws.
- Their rights under the federal Freedom of Information Act.

Open Oregon is a 501(c)(3) non-profit corporation.

The Spirit of Oregon's Public Meetings Law

The Value of Openness

Understanding the letter of the Public Meetings Law is critical. Equally important is understanding and committing to the spirit of that law. Public bodies should approach the law with openness in mind. Open meetings help citizens understand decisions and build trust in government. It is better to comply with the spirit of the law and keep deliberations open.

*“Government accountability depends
on an open and accessible process.”*

•

Hardy Myers
Oregon Attorney General

“Public bodies must conduct business
in public - it’s really that simple.”

•

Bill Bradbury
Oregon Secretary of State
Honorary Co-Chair, Open Oregon

“Oregon needs to protect its tradition
of openness.”

•

Dave Frohnmayer
President, University of Oregon
Honorary Co-Chair, Open Oregon

Oregon's Public Meetings Law

“Open government” or “sunshine” laws originally were enacted nationwide in the early 1970s because of growing public unhappiness with government secrecy. As a result, every state and the District of Columbia enacted laws requiring government to conduct its business openly, rather than behind closed doors.

Open government laws benefit both government and the public. Citizens gain by having access to the process of deliberation - enabling them to view their government at work and to influence its deliberations. Government officials gain credibility by permitting citizens to observe their information-gathering and decision-making processes. Such understanding leads to greater trust in government by its citizens. Conversely, officials who attempt to keep their deliberations hidden from public scrutiny create cynicism, erode public trust and discourage involvement.

Policy

Oregon's Public Meetings Law was enacted in 1973 to make sure that all meetings of governing bodies covered by the law are open to the public. This includes meetings called just to gather information for subsequent decisions or recommendations.

The law also requires that the public be given notice of the time and place of meetings and that meetings be accessible to everyone, including persons with disabilities.

The Public Meetings Law guarantees the public the right to view government meetings, but not necessarily to speak at them. Governing bodies set their own rules for citizen participation and public comment.

Who is covered?

Because questions often arise about what groups must comply with the public-meetings law, it is useful to look at the definitions in the law. The law says that any "governing body" of a "public body" is required to comply. It offers these definitions:

- A "**public body**" is any state, regional, or local governmental board, department, commission, council, bureau, committee, subcommittee, or advisory group created by the state constitution, statute, administrative rule, order, intergovernmental agreement, bylaw or other official act.
- A "**governing body**" is two or more members of a public body who have the authority to make decisions for or recommendations to a public body on policy or administration. A group without power of decision is a governing body when authorized to make recommendations to a public body, but not when the recommendations go to individual public officials.

Example

- *A school board must meet in public.*
- *So must most advisory committees that the school board creates, such as a budget committee.*
- *But if the school board chair asks several business leaders to meet with him to discuss future building needs, that meeting may be held in private.*

Private bodies, such as non-profit corporations, do not have to comply with the public-meetings law, even if they receive public funds, contract with governmental bodies or perform public services.

Example

- *A school district contracts with Regence BlueCross BlueShield of Oregon to provide health insurance for district employees. The BlueCross BlueShield board of directors is not required to meet in public.*

Public agencies contracting with private bodies may require a private body to comply with the law for pertinent meetings. Federal agencies are not subject to Oregon's Public Meetings Law.

What is a Public Meeting?

A public meeting is the convening of any governing body for which a quorum is required to make or deliberate toward a decision on any matter, or to gather information. Decisions must be made in public, and secret ballots are prohibited. Quorum requirements may vary among governing bodies.

Example

- *A county commission's goal-setting retreat is a public meeting if a quorum is present and they discuss official business.*
- *A training session for the commissioners is not a public meeting, unless a quorum is present and the commissioners discuss official business.*
- *A staff meeting absent a quorum of commissioners, whether called by a single commissioner or a non-elected official, is not a public meeting.*

Meetings accomplished by telephone conference calls or other electronic means are public meetings. The governing body must provide public notice, as well as a location where the public may listen to or observe the meeting.

Governing bodies must hold their meetings within the geographic boundaries of their jurisdiction. However, a governing body may meet elsewhere if there is an actual emergency requiring immediate action or to hold a training session, when no deliberation toward a decision is involved.

Example

- *A library board is free to rotate meetings at different libraries in its district, but it may not meet outside its district.*

Federal and state law requires that meetings be held in places accessible to individuals with mobility and other impairments.

What is Exempt from the Law?

On-site inspections, staff meetings and gatherings of associations to which a public body or its members belong are not considered public meetings. Chance social gatherings are not considered meetings as long as no official business is discussed.

Example

- *Three out of five city councilors inspect a new landfill site. Their inspection does not constitute a public meeting, unless they deliberate toward a decision on a city matter.*
- *Later, the three city councilors attend a League of Oregon Cities conference. Again, this is not a public meeting, unless the councilors discuss official city business.*
- *That evening, the three councilors chat during a concert intermission. As long as they talk about the music, this is not a public meeting. But if they stray into discussion of official city business, then it is.*

Also exempt from the Public Meetings Law are:

- Meetings of state or local lawyers assistance committees.
- Meetings of medical peer review committees.
- Meetings of multidisciplinary teams reviewing child abuse and neglect fatalities.
- Judicial proceedings. However, see Oregon Constitution, Section 10.
- Review by the Workers' Compensation Board and the Employment Appeals Board of hearings on contested cases.
- Meetings of the Energy Facility Siting Council when it reviews and approves security programs.
- The Oregon Health and Science University regarding presidential selection process, sensitive business matters, or meetings of faculty or staff committees.
- Mediation by the agricultural mediation service program.

For some entities, the deliberation process alone is exempt, although information-gathering and decision-making must be public. This applies to the State Board of Parole, the Psychiatric Security Review Board, and state agencies conducting hearings on contested cases under the Administrative Procedures Act.

Notice of Meetings

Governing bodies must give notice of the time, place and agenda for any regular, special or emergency meeting.

Public notice must be reasonably calculated to give actual notice to interested persons and media who have asked in writing to be notified of meetings and general notice to the public at large.

Governing bodies wishing to provide adequate notice should strive to provide as much notice as possible to ensure that those wishing to attend have ample opportunity – a week to 10 days for example.

At least 24-hour notice to members of the governing body, the public and media is required for any special meeting, unless the meeting is considered an emergency meeting. Appropriate notice is required for emergency meetings and should include phone calls to media and other interested parties. Notice for emergency meetings must also cite the emergency.

A meeting notice must include a list of the principal subjects to be considered at the meeting. This list should be specific enough to permit citizens to recognize matters of interest. However, discussion of subjects not on the agenda is allowed at the meeting.

Example

The State Board of Higher Education plans to discuss building new college campus in Burns. An agenda item that says "Discussion of public works" would be too general. Instead, the agenda should say something like "Discussion of proposed Burns campus."

Executive Sessions

Governing bodies are allowed to exclude the public - but generally not the media - from the discussion of certain subjects. These meetings are called executive sessions.

Executive sessions may be called during any regular, special or emergency meeting. A governing body may set a meeting solely to hold an executive session as long as it gives appropriate public notice. Notice requirements for executive sessions are the same as for regular, special or emergency meetings. However, labor negotiations conducted in executive sessions are not subject to public notice requirements.

Notice of an executive session must cite the specific law that authorizes the executive session. This authorization also must be announced before going into the executive session.

Governing bodies may formally specify that the media not disclose information that is the subject of the executive session. Governing bodies should not discuss topics apart from those legally justifying the executive session. Media representatives may report discussions that stray from legitimate executive session topics and are not required to inform the governing body when they intend to do so.

No final action may be taken in executive session. Decisions must be made in public session. If a governing body expects to meet publicly to make a final decision immediately after an executive session, it should try to announce the time of that open session to the public before the executive session begins.

Example

• City councilors meet in executive session to discuss the city manager's performance. A local reporter attends. During the meeting, the councilors discuss whether the city should put a bond measure on the next ballot. The reporter may write a story on the council's bond-measure discussion, because that discussion was not allowed under the executive session rules. The reporter may not write about the city manager's performance.

Executive Sessions Criteria

Executive sessions are allowed only for very limited purposes. Those include:

- 1. To consider the initial employment of a public officer**, employee or staff member, but not to fill a vacancy in an elected office, or on public committees, commissions or advisory groups. These sessions are allowed only if the position has been advertised, standardized procedures for hiring have been publicly adopted, and the public has had an opportunity for input on the process. Executive sessions are not allowed to consider general employment policies.
- 2. To consider dismissal**, discipline, complaints or charges against a public official, employee, official, staff or individual agent, unless that person requests a public hearing.
- 3. To review and evaluate the job performance** of a chief executive officer, or other officer or staff member, unless that person requests an open hearing. Such evaluation must be pursuant to standards, criteria and policy directives publicly adopted by the governing body following an opportunity for public comment. The executive session may not be used for the general evaluation of agency goals, objectives, programs or operations, or to issue any directive to personnel on the same.
- 4. To deliberate with persons designated to conduct labor negotiations.** The media may be excluded from these sessions.
- 5. To conduct labor negotiations** if both sides request that negotiations be in executive session. Public notice is not required for such meetings.
- 6. To consider records** that are exempt by law from public disclosure.
- 7. To consult with counsel** concerning litigation filed or likely to be filed against the public body. Members of the media that are a party to that litigation, or represent a media entity that is a party, may be excluded.
- 8. To consult with persons designated to negotiate** real property transactions.

9. To discuss matters of trade when the governing body is in competition with other states or nations.

10. To negotiate with a private person or business regarding public investments.

11. To discuss matters of medical competency and other matters pertaining to licensed hospitals.

12. To consider information obtained by a health professional regulatory board or State Landscape Architect Board as part of an investigation of licensee or applicant conduct.

13. To discuss information relating to the security of: a nuclear power plant; transportation of radioactive materials; generation, storage or conveyance of electricity, gas hazardous substances, petroleum, sewage or water; and telecommunications and data transmission.

Media at Executive Sessions

Media representatives must be allowed to attend executive sessions, with three exceptions. Media may be excluded from:

- Strategy discussions with labor negotiators.
- Meetings to consider expulsion of a student or to discuss students' confidential medical records.
- Meetings to consult with counsel concerning litigation to which the media or media representative is a party.

A governing body may require that specific information not be reported by the media. This should be done by declaration of the presiding officer or vote. In the absence of this directive, the executive session may be reported. Any discussion of topics apart from those legally justifying the executive session may be reported by the media.

The media also is free to report on information gathered independently from executive session, even though the information may be the subject of an executive session.

Example

• A reporter attends the executive session on the city council's discussion of the city manager's performance. Afterwards the reporter asks a councilor what she thinks of the city manager's performance. She shares her criticism. The reporter may use that interview to develop a story, even though the reporter first heard the information at the executive session.

Minutes

Written, sound, video or digital recording of minutes are required for all meetings.

The meetings law says minutes must be made available within a "reasonable time" after each meeting, but does not specify the time. Generally, this time frame should not exceed three weeks. Minutes must be preserved for a "reasonable time." This is generally interpreted to be at least one year. Minutes of many governing bodies are subject to records retention rules and schedules established by the State Archivist.

Minutes must indicate:

- Members present
- All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition.
- The result of all votes by name of each member (except for public bodies consisting of more than 25 members). No secret ballots are allowed.
- The substance of discussion on any matter.
- A reference to any document discussed at the meeting.

Minutes are not required to be a verbatim transcript and the meeting does not have to be tape recorded unless so specified by law. Minutes are public record and may not be withheld from

the public merely because they will not be approved until the next meeting. Minutes of executive sessions are exempt from disclosure under the Oregon Public Records Law.

Governing bodies are allowed to charge fees to recover their actual cost for duplicating minutes, tapes and records. A person with a disability may not be charged additional costs for providing records in larger print.

Enforcement

County district attorneys or the Oregon Attorney General's Office may be able to answer questions about possible public meetings law violations, although neither has any formal enforcement role and both are statutorily prohibited from providing legal advice to private citizens.

Any person affected by a governing body's decision may file a lawsuit in circuit court to require compliance with or prevent violations of the Public Meetings Law. The lawsuit must be filed within 60 days following the date the decision becomes public record.

The court may void a governing body's decision if the governing body intentionally or willfully violated the Public Meetings Law, even if the governing body has reinstated the decision in a public vote. The court also may award reasonable legal fees to a plaintiff who brings suit under the Public Meetings Law.

Complaints of executive session violations may be directed to the Oregon Government Ethics Commission, 3218 Pringle Road SE, Suite 220, Salem OR, 97302-1544; 503-378-5105, for review, investigation and possible imposition of civil penalties.

Members of a governing body may be liable for attorney and court costs both as individuals or as members of a group if found in willful violation of the Public Meetings Law.

For additional copies of this guide or information about Open Oregon, contact:

Open Oregon: A Freedom of information Coalition
PO Box 172, Portland, Oregon 97207-0172
info@open-oregon.com
www.open-oregon.com

Additional resources:

- **Oregon Attorney General's Public Records and Meetings Manual**, available by calling 503-378-2992 or writing to Department of Justice, 1162 Court Street NE, Salem, OR 97301-4096; www.doj.state.or.us/oregonians/pubs.shtml
- **Oregon Revised Statutes 192.610 to 162.690**, the Oregon Public Meetings Law, available in most libraries and on the internet at www.leg.state.or.us.
- **Oregon Newspaper Publishers Association**, 503-624-6397. Offers legal advice to member newspapers and general information about public records and meetings requirements; www.orennews.com
- **League of Oregon Cities**, 1201 Court St. NE, Salem, OR 97301. 503-588-6550; www.orcities.org
- **Association of Oregon Counties**, 1201 Court St. NE, Salem, OR 97301. 503-585-8351; www.aocweb.org
- **Oregon School Boards Association**, 1201 Court St. NE, Salem, OR 97301. 503-588-2800; www.osba.org
- **Special Districts Association of Oregon**, PO Box 12613, Salem, OR 97301-0613, 503-371-8667; www.sdao.com

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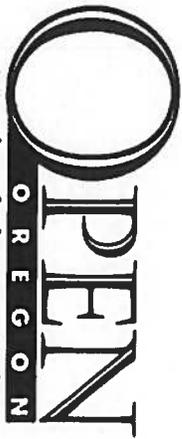
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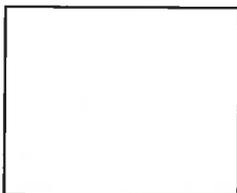
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A Freedom of Information Coalition

P.O. Box 172

Portland, Oregon 97207-0172



Protecting the public's right to know

Protecting the public's right to know

A QUICK REFERENCE GUIDE TO OREGON'S PUBLIC RECORDS LAW

For elected and appointed local and state public officials, members of Oregon boards and commissions, citizens, and nonprofit groups

The guide is published as a public service by
Open Oregon: a Freedom of Information Coalition
in collaboration with the Oregon Attorney General's office.



“Every person has a right to inspect any public record of a public body in this state, except as otherwise expressly provided...”

• Oregon Public Records Law

How to Use this Guide

This publication is a quick step-by-step guide to the Oregon Public Records Law for those seeking information from government as well as for those keeping the records. It is divided into 12 sections, and includes TIPS and EXAMPLES on accessing public records.

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The entire law may be found in Oregon Revised Statutes 192.410 to 192.505. Additional information may be obtained by sending an e-mail request to info@open-oregon.com or contacting Open Oregon, PO Box 172, Portland, Oregon 97207. For the Legislative Counsel text of the law as of the 2005 legislative session, go to www.open-oregon.com.

For a comprehensive analysis of the law, refer to the latest edition of the **Attorney General's Public Records and Meetings Manual**. The manual is reviewed and updated for consistency after each legislative session. Each new edition also incorporates appellate court decisions and Attorney General opinions interpreting the public records law. For information about purchasing the manual, go to www.doj.state.or.us/oregonians/pubs.shtml or call 503-378-2992, ext. 325, or write to Department of Justice, 1162 Court St. NE, Salem, OR 97301-4096.

THE SPIRIT OF OREGON'S PUBLIC RECORDS LAW

The state of Oregon has a policy of openness. The most important advocate for open government is the public itself. The news media often acts on the public's behalf in seeking public records to inform citizens about the work done in their name. Individual citizens also perform this watchdog function using the public records law to inform themselves about how well the government is functioning.

"Open records laws that are effective and well-understood are a fundamental component of democracy. Oregon's law ensures that public agencies conduct affairs in a transparent and accountable manner and provide that citizens have access to public processes."

• **Hardy Myers**
Oregon Attorney General

"Government can only serve the people when citizens have the tools they need to witness it in action. Public records give every American those crucial tools."

• **Bill Bradbury**
Oregon Secretary of State
Honorary Co-Chair, Open Oregon

"Public access to public records is an essential component for effective governance in a democracy. The Oregon Public Records Law enhances good government and serves the interests of the people of Oregon."

• **Dave Frohnmayer**
President, University of Oregon
Honorary Co-Chair, Open Oregon

1. OREGON'S PUBLIC RECORDS LAW

Oregon's public records law - ORS 192.410 to 192.505 - attempts to balance the need for efficient government with the public's need to know how government operates.

In 1973, Oregon joined many other states across the country in enacting the Public Records and Public Meetings Laws. At the time the Public Records law was passed, Oregon's law was one of the most sweeping in the nation. In the decades since, however, lawmakers have steadily added exemptions allowing more information to be kept from the public. While personal privacy was always protected by the law, recent heightened concerns about privacy, public safety and homeland security have caused agencies to further limit release of information. Ultimately, the law is intended to open government activities, not citizens' private lives, to the public.

The law makes an important distinction between elected officials and public bodies. The law applies to each similarly but two differences are noteworthy:

- The law imposes a seven-day deadline for elected officials to respond to a records request. Public bodies do not have a specific deadline; they simply must respond as soon as practicable and without unreasonable delay.
- The law provides for no administrative appeal of an elected official's denial; the requestor must file a lawsuit in court to pursue the denied records. Denials by non-elected public-body officials may be appealed to either the county district attorney or the state attorney general, depending on whether the agency is a state agency or a local agency; this appeal must precede the filing of a lawsuit.

TIP: Don't call it FOIA

The state public records law is similar to the federal Freedom of Information Act in some ways, but they are separate laws with different provisions. For information about seeking records from the federal government, go to the Reporters Committee for Freedom of the Press: <http://www.rcfp.org/foi.html>

2. POLICY

On its face, Oregon's public records law sounds simple. It applies to all government records and writings. The law favors disclosure as the rule, and agencies have the burden of proving an exemption allows them to withhold information.

In practice, though, the law is more complex. The attorney general's office, 36 county district attorneys and Oregon's courts all have a role in interpreting the application of the law.

3. WHO IS SUBJECT TO THE LAW

The law applies to any "public body," and it defines that term broadly: every state officer, agency, department, division, bureau, board and commission; every county and city governing body, school district, special district, municipal corporation, and any board, department, commission, council or agency thereof; and any other public agency of the state. Schools, police and fire departments, county and state agencies, cities: all are subject to the public records law.

The public records law does not apply to private entities such as nonprofit corporations. Even some organizations that sound public or conduct some public functions are not public bodies. Oregon Public Broadcasting and the Oregon School Activities Association, for example, are not public bodies, according to the Attorney General's office.

In 1994, however, the Oregon Supreme Court ruled that the law applies to an entity that is judged the "functional equivalent" of a public body.

Ruling on private bodies

- Was the entity created by government or independently?
- Is the entity's functions traditionally performed by government?

- Does it have authority to make binding decisions or only recommendations?
- How much financial and non-financial support does it receive from government?
- Does the government employ the entity's officers and employees?
- What is the scope of governmental control over the entity.

TIPS for seekers of public records:

- Invest time in learning about the agency and the records it creates or maintains and routinely releases to the public. If you are seeking fire department records, find out what reports are generated after a house fire or a hazardous materials incident. That helps you later when you need to know what record to request. It helps the agency to know the specific document title because that's the easiest and most efficient process for the agency.
- All public bodies are required to follow state-approved schedules defining categories of records and how long they are to be maintained. These Records Retention Schedules act as an index to government records. Unless you specifically know the name of the record you are seeking, first contact the agency's Records Management program or officer. If the agency does not have a program, you may find additional information on the Oregon State Archives' Records Management website:
<http://arcweb.sos.state.or.us/banners/recmgmt.htm>.
- Work the chain of command: Overworked public employees may deny release of a record that is indeed public. They might be uncertain, wrong or just busy. Refer the request to a supervisor in the agency who might be more knowledgeable or have more authority. Do this in a courteous and non-confrontational way.
- Ask whether the agency employs a public affairs or public information official. That person typically is well-versed in the requirements of the records law and often is the person who responds to records requests.

- If the agency does not employ a public information specialist, ask the public employee to seek legal advice on the issue of releasing records. Often a quick phone call to the county counsel or the local district attorney clears up the matter.

4. HOW IT WORKS

Requests - by regular citizens, reporters, attorneys or investigators - can be made in person, by letter, e-mail or phone. Most agencies prefer that initial requests be made informally to discuss the specific needs of the seeker. Media members, for example, often begin with a phone call and, if requested by the custodian, will follow up with a more detailed written request.

5. SEEKERS VS. KEEPERS

While most public records are readily provided to those requesting them, contentiousness can arise between those seeking records and the custodians of public body records.

Because disclosure is the spirit of the law and most records are available for public disclosure, regular seekers of records often simply assume that the records they seek exist and are accessible. Conflicts can occur when record keepers are unaccustomed to requests or don't realize that their only concern should be whether the law exempts a record from disclosure.

▶ Example

When responding to a public records request, custodians should:

- Make sure that any claim that the records are exempt from disclosure is supported by the law.
- Make sure that processing fees are reasonable.

- Make sure that the seeker's reason for wanting the record doesn't inappropriately influence the response.

While a seeker's approach should not technically influence whether or not a custodian will release a record, the projection of a professional, courteous and flexible demeanor can go a long way in enlisting the record holder's cooperation.

Custodians say that most records seekers who work with them daily wisely try to build a level of trust with record keepers.

Example | Tips for those requesting records include

- Familiarization with the department to which the request is made. If you are uncertain which department is responsible for the records, ask.
- Patience, since many offices handle dozens of requests each day. Most requests are handled by workers in addition to their normal responsibilities.
- Avoid using offensive language and don't threaten the staff with lawsuits.
- Be clear with a request, which helps speed the information-gathering process. A written request could help with clarity.
- Don't stiff the record keeper, i.e. request a record, agree to the cost and then not follow through.
- A seeker does not need to provide a reason for wanting the records; however, it is often helpful to explain why disclosure of the record is in the public interest so that the proper information can be obtained.

TIP: Make sure to follow through

- If you requested records, be prompt at picking them up and paying for them.
- If, for some reason, you cannot get them right away, let the custodian know you still plan to pick them up.
- If you plan to make future requests, ask the custodian of the records if there is anything you can do to make filling the next request easier.

6. CITE THE LAW

A request in writing should: **1.** indicate that the request for records is allowable under the Oregon Public Records Law; **2.** be as specific as possible about the record sought, with record title and date if possible; **3.** include a request that the agency cite any exemption it relies on in its response; and **4.** include a provision that fees over a specified amount (say \$10 or \$50, depending on the scope of the request) should be discussed in advance. See the "Automated Form Letters" at www.open-oregon.com.

Example | Tips for a request

- Type of document sought, being as specific as possible about the subject matter.
- Specific date ranges of the document.
- Other information that can narrow the search, such as dates and names.
- Ask the custodian whether the record is kept in paper or electronic form.
- To keep costs at a minimum, especially for voluminous requests, ask first to inspect a file, then ask for copies of relevant pages. (Note: the agency could charge for staff time, so this may end up not being less expensive.)

If a seeker is uncertain of the title or exact nature of a specific document, a good approach is to tell the custodian what you are trying to learn and enlist his or her help in seeing if that information can be retrieved through public records.

TIP: Don't be adversarial

- Start with a phone call or a visit to ask about the availability of the records you are seeking. You might want to, or be asked to, put your request in writing, but a conversation in advance can clear up many issues. Some questions to ask: How hard is it to make the record available? How much time does the agency estimate it will need?

Is the agency even the custodian for the record at issue? What is the proper name for the record you are seeking?

- Keep in mind that records requests can add to busy government employees' regular duties. That's not to say they are not required by law to respond, but it is worth remembering that if you can make the task easier you might get the records more quickly.
- If you believe you ultimately will be in an adversarial position with the agency, start with a written request.
- Ask the agency to cite in writing any exemption it is relying on for withholding the information.

The law does not give a deadline for agencies to respond. Instead, it says the public body shall respond as soon as practicable and without unreasonable delay. The timing may depend, for example, on the size and scope of the request, how accessible the records are and whether legal review is necessary.

7. WHAT IS EXEMPT FROM DISCLOSURE UNDER THE LAW

The guiding principle of the records law is that every public record is subject to disclosure unless it is specifically exempted. However, most exemptions do not prohibit disclosure; they merely exempt the public body from the law's mandate to disclose public records.

Custodians presented with a records request should first ask themselves whether disclosure is prohibited by certain sections of the public records law or by another state or federal law.

If not, then ask whether the record is subject to a conditional exemption. Many exemptions are conditional in nature and disclosure is favored.

Examples

- Police might withhold investigatory information compiled for criminal law purposes if untimely release would compromise a specific investigation.
- Public bodies might withhold records generated by the threat of – or filing of – litigation if release would give a plaintiff an advantage in that litigation. Records qualifying for this exemption must be records developed for the litigation rather than records from ordinary public body business.
- Public bodies might withhold information regarding their real estate transactions if release might give the other party an advantage in negotiations.
- While the intent of the records law is to create a transparent government, it is mindful of personal privacy.

Technically, no such balancing is required for “unconditional” exemptions because the Legislature already has struck the balance of these competing interests and has concluded that confidentiality interests outweigh public disclosure interests as a matter of law. These include public employee addresses, Social Security numbers, birth dates and telephone numbers, as well as personal privacy information that would “constitute an unreasonable invasion of privacy.”

While the section of the law on “unconditional” exemptions does not specifically contain the “public interest” stipulation, some specific exemptions do contain language of condition. One of those exceptions, for example, involves the internal advisory communications exemption, which protects the confidentiality of advice and observations a public employee gives to a superior or associate.

However, the public body must show that the public interest in encouraging frank communication between its officials and employees clearly outweighs the public interest in disclosure.

8. PUBLIC INTEREST VS. CONFIDENTIALITY

The phrase "public interest in disclosure" is not defined in the records law. The Oregon Court of Appeals has stated, however, that the law "expresses the Legislature's view that members of the public are entitled to information that will facilitate their understanding of how public business is conducted." Similarly, the court has characterized the public interest in disclosure as "the right of citizens to monitor what elected and appointed officials are doing on the job."

Federal courts have ruled that seekers must identify the public interest in disclosure with "reasonable specificity" whether they are simply seeking records or waivers of fees. Relevant specific factors include the seeker's identity and purpose, the character of the information, whether the information is already in the public domain, and how able the seeker is to disseminate the information to the public.

For that reason, even though the identity and motive of anyone requesting a public record are considered irrelevant and are not required by law, the fact a news reporter is requesting it can weigh in favor of release.

The seeker's motive (government accountability, say) and ability to spread the word (quickly and widely) often become deciding factors on whether a conditional exemption or disclosure shall rule.

Example

- Community concern can equal public interest. In one case, a district attorney ordered police shooting reports released because "(t)his matter has been one of great community concern ... (and) (f)ull disclosure can only prompt a more intelligent and informed public debate on the issues involved."
- Public interest can mean furthering the public's watchdog role and citizens' interest in transparency. When a secret agreement

between an Oregon port and private companies was ordered released, the public interest was described this way: "It is inappropriate for a public body ... to participate with certain private enterprises in an investigation and evaluation of the pollution of the public waterways under circumstances hidden from public view. The public interest is not served by such secret agreements."

- There is more public interest in records involving top officials and - in general - when public safety, financial oversight or a pattern of problems is involved. A district attorney ordered a city agency to release its investigative findings in the public interest because "we are dealing with a high ranking public employee responsible for the expenditure of the public's money."

TIP: Keep lines of communication open

- If the request is routine, include in your written request a deadline. You can say that if you do not receive the records or a response by 5 p.m. on a specified date, you will consider the lack of response a denial for purposes of appeal, even though that determination is not binding. However, make sure your deadline affords the agency a reasonable time to respond.
- If you are not sure which record will be of the most use to you, narrow your request. Once you have reviewed one record, you can decide whether it is helpful. You can then go back and ask for the same records for a longer time period, for example. Additionally, you can ask the records custodian for advice about the types of records most applicable to your request.
- If an agency refuses to release a record, ask for more information about what - generally - the record contains. If all of the record is public, except for one section that includes someone's Social Security number - that discussion may help the agency worker realize he or she needs to redact the exempt section and release the rest of the record.
- If the agency balks at releasing records, ask it to briefly describe the records it has and which exemption it thinks applies to each record.

9. HOW RECORDS ARE MADE AVAILABLE

The "custodian" of the public record is the public body or person mandated to create, maintain, care for or control the records. The custodian is required to provide "proper and reasonable opportunities for inspection and examination" of such records. In short, custodians, or record holders, are directed to take "reasonable" steps to accommodate members of the public while they inspect records. That often includes copying of records, but custodians are not required to "create" a record for a seeker.

Custodians are required to adopt "reasonable" rules necessary to protect their records. For example, people requesting information don't have the right to rummage at will through file cabinets, file folders or electronic files. The inspection of original documents that are not exempt from disclosure is ordinarily allowed if requested, but administrative measures may be adopted to supervise review of such documents.

10. HELPFUL HINTS FOR CUSTODIANS

- Designate one person to coordinate responses to requests.
- Make sure to listen to the seeker's request. Not all requests for information need to be directed to the agency's law office or risk management.
- If your agency is not responsible for the records, attempt to find the proper agency. Most records requests are made by people who are not familiar with government and they may be intimidated or not fully understand the bureaucracy. The more times a person is bounced from office to office, the more likely the situation will become adversarial.
- Clarify whether the seeker merely wants to inspect the records or actually wants copies.

- Seek clarification if a request is ambiguous, overly broad or misdirected.
- Estimate the time and expense required to respond.
- Consider whether any exemptions apply; if so, whether the public body wants to disclose the record despite an exemption.
- If you believe a record is exempt, discuss the request with a supervisor or anyone who may have more experience with such requests.
- Release of records may be delayed to consult with legal counsel about exemptions.
- When denying a request, cite the specific exemption(s) on which you rely.
- If no exemptions apply, coordinate release of the records in a timely manner.

11. FEES

Under the law, a public body may require a person to pay for the expense required to release public records. Fees are calculated to reimburse the agency for its "actual cost" in summarizing, compiling or tailoring a record to meet the person's request - and no more. Charges may include time spent locating the records, reviewing in order to redact exempt material, supervision, attorney time, and copying and sending records.

Seekers who regularly request public records, such as media representatives, are often granted fee waivers or reductions. They ensure a fee is established before the work begins, and many will ask for a fee waiver if, in their opinion, the release of specific records is in the public's interest.

Example

- A neighborhood association president seeking records concerning military aviation safety at an airbase near the neighborhood – to be disseminated to the general public – may satisfy the public interest standard for a waiver if it is demonstrated that fee requirements inhibit the neighborhood’s ability to obtain the government records in question. (Note: a more common reason to waive or reduce the cost is in instances in which it would cost more to calculate the fee than simply provide the requested record.)

Fee waivers are up to the agency, which can charge only a “reasonable amount.” The public body is directed to weigh the public interest issue when deciding on a waiver or reduction.

Agencies, however, are not required to grant a complete fee waiver, even if the public interest test is met. A seeker dissatisfied with a denial of either a waiver or a reduction may petition the attorney general or district attorney in the same manner as a person appeals when inspection of a public record is rejected.

TIP: Go narrow first

- To keep fees low, ask for just one document, review it and tailor your broader request.
- Ask to inspect the documents, rather than asking for copies. (Note: this could still cost the requestor in staff time.)
- Agencies should use lower-wage workers when possible, rather than top managers, to keep down the hourly cost of staff time assessed to seekers.

12. HOW TO APPEAL A DENIAL

If the initial request for a record is denied, the custodian should be prepared to give a written explanation for the refusal. It is suggested that upon first denial of access by a subordinate agency employee, the requestor should seek a decision at a higher agency level. In some cases there is a

negotiation that allows the release of portions of a record while protecting the privacy of those involved.

Make sure you have a written record of your original request and the denial. These documents will help with your appeal.

The offices of the state attorney general or local district attorney become involved when a record keeper has denied a citizen access to records or if the custodian has exceeded the "reasonable" amount of time responding to the request.

Once a public body denies a request, the seeker can file a public records petition with either the local district attorney or the state attorney general. See the "Automated Form Letters" at www.open-oregon.com.

Example

The appeal should include:

- The name of the agency from which the records were requested and denied;
- Name of the custodian of the record and how to contact him or her;
- A copy of the denied request;
- A statement that the request was denied, and, if known, who denied it and when;
- The written response from the public agency, if available;
- Other information that clarifies the seeker's argument that the record should be disclosed.

Since the records law is one of disclosure and many of the exemptions are voluntary, the attorney general or district attorney may simply recommend that the public body in question release the records - even if they could be covered by an exemption. (Note: the attorney general or district attorney applies the law. Whether to choose to assert a

discretionary exemption that covers a requested record is for the agency to decide.)

If the agency refuses to disclose voluntarily, a petition for a public records order can be submitted to the attorney general for state agencies or district attorney for local public bodies. An order is issued within seven working days – to either deny the appeal or issue an order that the record be disclosed.

If a petition is denied, the requestor may still file a lawsuit in circuit court to try to force disclosure.

If a petition is granted, the public body has seven business days to decide what to do and then seven more days to actually do it. Typically, when ordered to release the records, agencies do so promptly. If the agency wishes to fight the order, it must file suit against the requestor in circuit court.



What is Open Oregon?

Open Oregon: A Freedom of Information Coalition is a nonprofit educational and charitable organization with a single purpose: to assist and educate the general public, students, educators, public officials, media and legal professionals to understand and exercise:

- Their rights to open government.
- Their right and responsibilities under the Oregon public records and meetings laws.
- Their rights under the federal Freedom of Information Act.

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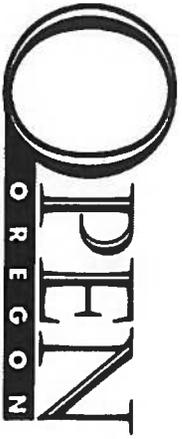
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Open Oregon is a 501(C)(3) nonprofit corporation.
Go to www.open-oregon.com for additional copies of this guide and other information about public records and meetings.

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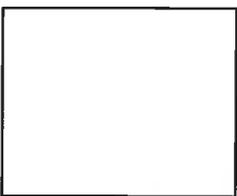




A Freedom of Information Coalition

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Protecting the public's right to know

County, City and District Candidates Manual

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Using This Manual

Icons

The following icons are used in this manual to emphasize information:


alert icon

indicates alert; warning; attention needed


info icon

indicates additional information


deadline icon

indicates a deadline


petition sheet icon

indicates a reference to a signature sheet


form icon

indicates a reference to a form


search icon

indicates information located elsewhere

Assistance

If you have any questions about the material covered in this manual or need further assistance, please contact:

Elections Division

255 Capitol St NE Suite 501

Salem OR 97310

 **503 986 1518**

fax503 373 7414

 elections.sos@state.or.us

 www.oregonvotes.gov

 **1 866 673 VOTE/673 8683**

se habla español

tty 1 800 735 2900

for the hearing impaired

Other Assistance

For city candidate assistance contact your city administrator or city recorder (auditor). For county and district candidate assistance, contact your county:

Baker County

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541-523-8207/TTY 541-523-9538

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Oregon City, OR 97045

503-655-8510/TTY 503-655-1685

elections@co.clackamas.or.us

Clatsop County

820 Exchange St, Ste 220

Astoria, OR 97103

503-325-8511

clerk@co.clatsop.or.us

Columbia County

Courthouse 230 Strand St

St Helens, OR 97051-2089

503-397-7214

betty.huser@co.columbia.or.us

Coos County

Courthouse 250 N Baxter St

Coquille, OR 97423-1899

541-396-7610

elections@co.coos.or.us

Crook County

Courthouse 300 NE Third St, Rm 23

Prineville, OR 97754-1919

541-447-6553

cc_clerk@co.crook.or.us

Curry County

94235 Moore St, Ste 212

Gold Beach, OR 97444

541-247-3297 or 877-739-4218

clerk@co.curry.or.us

Deschutes County

1300 NW Wall St, Ste 202

Bend, OR 97701

PO Box 6005

Bend, OR 97708-6005

541-388-6546

elections@deschutes.org

Douglas County

PO Box 10

Roseburg, OR 97470-0004

541-440-4252

elections@co.douglas.or.us

Gilliam County

221 S Oregon St, Rm 200

Condon, OR 97823

PO Box 427

Condon, OR 97823-0427

541-384-2311

ellenwagenaar@co.gilliam.or.us

Grant County

201 S Humbolt, Ste 290
Canyon City, OR 97820
541-575-1675
percyb@grantcounty-or.gov

Harney County

Courthouse 450 N Buena Vista Ave
Burns, OR 97720
541-573-6641
derrin.robinson@co.harney.or.us

Hood River County

601 State St
Hood River, OR 97031-1871
541-386-1442
elections@co.hood-river.or.us

Jackson County

1101 W Main St, Ste 201
Medford, OR 97501-2369
541-774-6148
elections@jacksoncounty.org

Jefferson County

Courthouse 66 SE D St, Ste C
Madras, OR 97741
541-475-4451
kathymarston@co.jefferson.or.us

Josephine County

500 NW Sixth St
Grants Pass, OR 97528
PO Box 69
Grants Pass, OR 97528-0203
541-474-5243
clerk@co.josephine.or.us

Klamath County

305 Main St
Klamath Falls, OR 97601
541-883-5157
klamathcountyelections@klamathcounty.org

Lake County

513 Center St
Lakeview, OR 97630-1539
541-947-6006
clerk@co.lake.or.us

Lane County

275 W 10th Ave
Eugene, OR 97401-3008
541-682-4234
elections.customer@co.lane.or.us

Lincoln County

225 W Olive St Rm 201
Newport, OR 97365
541-265-4131
countyclerk@co.lincoln.or.us

Linn County

300 Fourth Ave SW
Albany, OR 97321
541-967-3831
sdruckenmiller@co.linn.or.us

Malheur County

251 B St W, Ste 4
Vale, OR 97918
541-473-5151/TTY 541-473-5157
countyclerk@malheur.co.org

Marion County

555 Court St NE, Ste 2130
Salem, OR 97301
PO Box 14500
Salem, OR 97309
503-588-5041 or 800-655-5388
TTY 503-588-5610
elections@co.marion.or.us

Morrow County

PO Box 338
Heppner, OR 97836-0338
541-676-5604/TTY 541-676-9061
bchilders@co.morrow.or.us

Multnomah County

1040 SE Morrison St
Portland, OR 97214-2495
503-988-3720
elections@multco.us

Polk County

850 Main St
Dallas, OR 97338-3179
503-623-9217/TTY 503-623-7557
clerkelections@co.polk.or.us

Sherman County

PO Box 365
Moro, OR 97039-0365
541-565-3606
countyclerk@shermancounty.net

Tillamook County

201 Laurel Ave
Tillamook, OR 97141
503-842-3402
clerk@co.tillamook.or.us

Umatilla County

216 Southeast 4th St, Ste 18
Pendleton, OR 97801
541-278-6254
elections@umatillacounty.net

Union County

1001 Fourth St, Ste D
La Grande, OR 97850
541-963-1006
clerk@union-county.org

Wallowa County

101 S River St, Rm 100, Door 16
Enterprise, OR 97828-1335
541-426-4543, ext 158
wcclerk@co.wallowa.or.us

Wasco County

511 Washington St, Rm 201
The Dalles, OR 97058
541-506-2530/TTY 541-506-2530
countyclerk@co.wasco.or.us

Washington County

3700 SW Murray Blvd, Ste 101
Beaverton, OR 97005
503-846-5800/TTY 503-846-4598
elections@co.washington.or.us

Wheeler County

PO Box 327
Fossil, OR 97830-0327
541-763-2400
bsitton@co.wheeler.or.us

Yamhill County

414 NE Evans St
McMinnville, OR 97128
503-434-7518
elections@co.yamhill.or.us

Types of Public Office

There are two types of public office in Oregon, partisan and nonpartisan.

Partisan Offices

A partisan office is an office for which a candidate may be nominated by a major or minor political party or as a nonaffiliated candidate. These include

- County Commissioner (unless county home rule charter or ordinance specifies otherwise)
- Precinct Committeeperson

Nonpartisan Offices

A nonpartisan office is an office for which a candidate does not run under the name of any political party.

Offices may include:

County Commissioner (unless county home rule charter or ordinance specifies otherwise), County Clerk, Sheriff, County Assessor, County Auditor, County Treasurer, County Tax Collector, County Surveyor, County Legal Counsel, Justice of the Peace, Mayor, City Councilor, Municipal Judge, Board Member, Director of a District, All Special District offices, any elected office of a metropolitan service district under ORS chapter 268 and any office designated nonpartisan by a home rule charter or ordinance.

For local offices not listed, please contact the local elections official to determine whether the office is partisan or nonpartisan.

Filing Methods for Public Office

Generally, candidates may file for public office by:

- submitting a completed candidate filing form and paying the required filing fee, if any
- or
- submitting a nominating petition containing the required number of valid signatures



A prospective petition may be filed at any time. However, candidates need to allow enough time for signature collection and signature verification to be completed by county elections officials prior to the filing deadline.



See the Filing Requirements on pages 9, 11, 20, 22 and 24 for filing fees and deadline to submit completed forms.

Candidate filing forms can be submitted by:

- mail
- fax
- or
- as a scanned attachment to an email

Multiple Nominations to Public Offices

In Oregon, partisan candidates who have been nominated by multiple political parties or by other nominating processes may select up to three parties or designations to be printed with their name on the ballot. Candidates may also choose the order in which the parties or designations are listed. When selecting political parties or other designations the following rules apply:

	Candidate is nominated by	Information and default order listed on ballot
Member of political party	Party of which candidate is member	Party of which candidate is member followed by no more than 2 additional parties in alphabetical order
	Party of which the candidate is not a member	Not more than 3 political parties listed in alphabetical order
Not affiliated with any political party	Individual or Assembly of Electors	Nonaffiliated designation followed by not more than 3 political parties listed in alphabetical order
	Any political party	Not more than 3 political parties listed in alphabetical order

 Candidates may choose a different order in which parties or designations are listed, except if the candidate is nominated by a political party of which they are a member that party will be listed first or if the candidate is nominated by individual or an assembly of electors, the designation nonaffiliated will be listed first.

Running for Multiple Offices

Candidate can file for more than one position as long as the offices are:

- not on the same district board
- not lucrative
- not a city office on the same ballot; and
- not for more than one precinct committeeperson office

Campaign Finance Reporting

Oregon campaign finance law requires each candidate to establish a campaign account and file a Statement of Organization designating a candidate committee within **three business days** of first receiving a contribution or making an expenditure unless the candidate is:

- A candidate for precinct committeeperson
- or
- A candidate who serves as their own treasurer, does not have an existing candidate committee and does not expect to receive or spend more than \$750 during a calendar year.

 The \$750 includes personal funds spent for any campaign-related costs, such as the candidate filing fee and voters' pamphlet filing fee. If at any time during a calendar year the candidate exceeds \$750 in either contributions or expenditures, the candidate must establish a campaign account and file a Statement of Organization within **three business days** of exceeding the \$750 threshold.

Candidates that do not meet the criteria above file a committee through ORESTAR or by filing the following paper forms:

 Form SEL 220, Statement of Organization for a Candidate Committee
and

 Form SEL 223, Campaign Account Information

Campaign Finance law also requires the filing of transactions electronically.



The Secretary of State developed ORESTAR, a secure web-based electronic reporting system for candidate and voters' pamphlet filings and all campaign finance reporting. Committees must use ORESTAR to file campaign finance transactions unless the committee is eligible to file a Certificate of Limited Contributions and Expenditures.

For further detail on campaign finance reporting requirements, candidates should review:

 See the Campaign Finance Manual and the ORESTAR User's Manuals available at www.oregonvotes.gov.

Qualifications for Public Office

Qualifications for various public offices differ. Before filing for public office, a candidate should review the constitutional and statutory requirements for the office sought.

 See the qualifications for most offices provided in each applicable section.

However, qualifications for city or district office are governed by city charter or ordinance or district by-laws and are not provided. Contact the local elections official for more information.

2016 Local Elections Calendar

 Last day for	March 8	May 17	September 20	November 8
County Elections Official to Publish				
→ notice of district board election (ORS 255.075)	November 28	January 28	June 11	July 30
 Regular district elections are generally held in May of odd numbered years. Districts should contact the county elections official of the county in which the district's administrative office is located for election information.				
District Candidates to file with County Elections Official				
→ verified signatures or \$10 filing fee (ORS 255.235)	January 7	March 8th	July 21	August 30
Filing Candidate Statements with the County Elections Official:				
→ for inclusion in county voters' pamphlet if the candidate files candidacy with County Elections Official.	January 11	March 10	July 25	September 1
→ for inclusion in county voters' pamphlet if the candidate files candidacy with governing body other than county clerk	January 11	March 21	July 25	September 12

2017 Local Elections Calendar

 Last day for	March 14	May 16	September 19	November 7
County Elections Official to Publish				
→ notice of district board election (ORS 255.075)	December 3	February 4	June 10	July 29
 Regular district elections are generally held in May of odd numbered years. Districts should contact the county elections official of the county in which the district's administrative office is located for election information.				
District Candidates to file with County Elections Official				
→ verified signatures or \$10 filing fee (ORS 255.235)	January 12	March 16	July 20	September 7
Filing Candidate Statements with the County Elections Official:				
→ for inclusion in county voters' pamphlet	January 16	March 20	July 24	September 11

Precinct Committeeperson Candidates

ORS 248.015-248.029, 249.031, 249.037

Qualifications for Precinct Committeeperson

All Candidates must be Electors.

Office	Age	Residency	Term of Office	Special Requirements	Vacancies
Precinct Committeeperson	18	Resident of precinct or adjoining precinct in the same county ORS 248.015	Term is from 24th day after primary to 24th day after next primary	Must receive at least 3 votes to be elected to the office	Filled according to ORS 248.026

Filing Requirements for Precinct Committeeperson

Office	Filing Fee	First day to file	Last day to file	Last day to Withdraw
Precinct Committeeperson	not required for this office	February 1, 2016	March 8, 2016	March 11, 2016

Filing Method for Precinct Committeeperson Candidate

Form SEL 105 Precinct Committeeperson Candidate Filing must be filed with the **county elections** official.

See the instructions for completing the required portions of the Candidate Filing form on page 31.

! A person may not hold office as a committeeperson in more than one precinct. A person may only file for one precinct committeeperson at the same election. Unless the person has withdrawn from the first filing, all filings are invalid. ORS 249.013

A precinct committeeperson must receive at least three votes to be elected to the office.

Filing Timeline

🕒 The 2016 Primary Election filing period is from February 1, 2016, until no later than 5pm on March 8, 2016.

County Candidates

General Information

ORS 249.056

For candidates filing for Precinct Committeeperson please see page 12 of this manual.

Candidates may file with the county elections office by paying a fee or by petition to obtain signatures.

 See the instructions for completing the required portions of the Candidate Filing form on page 31.

 A prospective petition may be filed at any time. However, candidates need to allow enough time for signature collection and signature verification to be conducted by county elections officials prior to the filing deadline.

County charter requirements for county offices may differ. For information regarding specific candidate filing requirements for county office, contact the county elections official.

 A person may only file for one lucrative office at the same election. Unless the person has withdrawn from the first filing, all filings are invalid. ORS 249.013

Nonpartisan Offices

In a county nonpartisan race, a candidate does not run as a member of a political party. County nonpartisan offices include: Justice of the Peace, County Clerk, County Assessor, County Treasurer, and Sheriff; it may also include County Commissioner. ORS 249.002.

Partisan Office – County

ORS 249.031

Qualifications

All Candidates must be and Electors.

Office	Age	Residency	Term of Office	Special Requirements	Vacancies
County Commissioner	18	Resident of county one year prior to election ORS 204.016	4 years ORS 204.010	This is a partisan office unless a county home rule charter or ordinance deems it nonpartisan  Contact the local elections official for further information.	County governing body appoints qualified person until successor is elected ORS 236.215

Filing Requirements

All signatures must be of active registered voters within the district.

Office	Major Party Fee or Required Signatures	Minor Party	Individual Electors	Assembly of Electors
🕒 First Day to File	September 10, 2015	June 1, 2016	June 1, 2016	June 1, 2016
🕒 Last Day to File	March 8, 2016	August 30, 2016	August 30, 2016	August 30, 2016
🕒 Last Day to Withdraw	March 11, 2016	September 2, 2016	September 2, 2016	September 2, 2016
County Commissioner	\$50	Nominating convention held in accordance with state law or party by-laws	Number of signatures equal to 1% of the number of votes cast in the county for US President	250 signatures obtained at a nominating convention held in one place at one time during a 12 hour period of time
ⓘ Contact the local elections official for applicable charter or ordinance provisions that may supersede this information	or The lesser of either 500 signatures or 2% of the number of votes cast in the county for US President by members of the candidate's party			
	ⓘ Signatures must be obtained from 10% of the precincts			

Major Party Candidates – County

🕒 **Deadline To Register as a Member of a Major Political Party** ORS 249.046

A candidate who files for a major political party office must have been registered to vote as a member of that political party by September 10, 2015. Some exceptions are allowed.

⚠️ A major political party candidate on the primary election ballot who is not nominated to the general election may not be the candidate of any other political party or become a nonaffiliated candidate for the same office at the general election. ORS 249.048

Filing Methods for a Major Party Candidate Other than Precinct Committeeperson

ORS 249.031

⚠️ A person may only file for one lucrative office at the same election. Unless the person has withdrawn from the first filing, all filings are invalid. ORS 249.013

A candidate must file:

📄 Form SEL 101 Candidate Filing – Major Political Party or Nonpartisan

and

→ Pay the required filing fee, if any

or

→ submit a nominating petition containing the required number of valid signatures

Filing by Fee

ORS 249.056

A candidate will file form SEL 101, and pay the required fee, if any. See Filing Requirements on page 11.

File by Petition

ORS 249.008, 249.020, 249.031, 249.035, 249.061-249.076

The following information provides instruction on collecting and submitting sufficient valid signatures to place the candidate's name on the ballot.



Violations of certain circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. ORS 260.715

Prospective Petition

Prior to obtaining any signatures candidates must file the following to begin the signature sheet approval process:



Form SEL 101 Candidate Filing-Major Political Party or Nonpartisan marked "Prospective Petition"

and



Form SEL 102 Candidate Signature Sheet – Major Party



See Signature Sheet Requirements on page 27.

Approval to Circulate

After receiving forms the elections official reviews for required information and if complete will provide written approval to circulate the prospective nominating petition that includes:

- petition number
- number of signatures required
- filing deadline



All signature sheets must be approved in writing by the elections official before circulating. Failure to do so will result in the rejection of the signature sheets.

Required Signatures

County partisan candidate must have the lesser of either:

- 500 signatures

or

- The lesser of either 500 signatures or 2% of the number of votes cast in the county for president by members of the candidate's party. Signatures must be obtained from 10% of the precincts in the county.

Complete Filing

To complete the filing process a candidate will:

- 1 ensure each signature sheet certification is signed and dated by the circulator
- 2 number each signature sheet sequentially in the space provided
- 3 submit the signature sheets to the county elections official for verification allowing sufficient time for the verification process to be completed prior to the filing deadline

and

- 4 file the signature sheets with the Form SEL 338 Petition Submission – Candidate, Voters' Pamphlet

Candidate Filing Timeline

 The 2016 Primary Election filing period is from September 10, 2015, until no later than 5pm on March 8, 2016.

Minor Party Candidates – County

Filing Methods for a Minor Party Candidate

Minor political parties may nominate candidates for any partisan office, including federal, state and county offices, as long as the party has been established within the electoral district and maintains ballot access.

A minor political party nominates candidates either by convening nominating conventions that comply with state law or party by-laws. Candidates that are nominated by a recognized minor political party complete and file with the appropriate elections official the following:

 Form SEL 110 Candidate Filing – Minor Political Party with the Candidate Nomination Certificate executed by a party officer and notarized

Nonaffiliated Candidates – County

 To qualify for nomination by individual electors or to conduct an assembly of electors, a candidate cannot be registered to vote as a member of any political party as of March 3, 2016.

Filing Methods for a Nonaffiliated Candidate

Candidates who are not a member of any political party may file for a partisan or nonpartisan office on the general election ballot by completing one of two processes :

→ Individual Electors

A nomination by individual voters involves obtaining a required number of valid signatures from registered voters.

or

→ Assembly of Electors

An Assembly of Electors involves a gathering of registered voters in one place at one time to nominate candidates to partisan office.

Individual Electors

ORS 249.740

A nomination by individual electors involves obtaining the required number of valid signatures from registered voters.

Prospective Petition

Prior to obtaining any signatures candidates must file the following to begin the signature sheet approval process:

 Form SEL 114 Candidate Filing – Individual Electors marked Prospective Petition and designating circulator pay status

and



Form SEL 122 Candidate Signature Sheet – Individual Electors with all fields completed



See Signature Sheet Requirements on page 27.

Approval to Circulate

After receiving forms the elections official reviews for required information and if complete will provide written approval to circulate the prospective nominating petition that includes:

- petition number
- number of signatures required
- filing deadline



All signature sheets must be approved in writing by the elections official before circulating. Failure to do so will result in the rejection of the signature sheets.

Gathering Petition Signatures

Once the petition has been approved to circulate, but before collecting any signatures, a candidate must review with circulators the legal requirements and guidelines for circulating the candidate nominating petition.



See Guidelines for Circulation on page 28.



Violations of certain circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. ORS 260.715

After reviewing the legal requirements and guidelines for circulating the nominating petition, a candidate may begin gathering signatures.



Failure to comply with the legal requirements will result in rejection of those sheets.

A candidate is advised to obtain more than the required number of signatures to ensure the petition has a sufficient number of valid signatures.

Signature Verification

The candidate submits the signature sheets to the appropriate county elections official for verification allowing sufficient time for the verification process to be completed prior to the filing deadline.

Before submitting signature sheets for verification, the candidate must:

- ensure each signature sheet certification is signed and dated by the circulator
- sort the signature sheets by county, if required
- and
- number each signature sheet sequentially within each county in the space provided

The county elections official verifies the original signatures against the voters' registration record and returns the certified signature sheets to the candidate.

Completing a Petition

To complete the petition process a candidate must file with the appropriate elections official:



Form SEL 338 Petition Submission – Candidate, Voters' Pamphlet

and

- verified signature sheets that contain the required number of valid signatures

The elections official reviews each signature sheet to ensure that sheets are sorted by county if required, numbered sequentially within each county in the space provided, and that the circulator's certification is sufficient. After reviewing the sheets the elections official tabulates the number of valid signatures contained on the accepted signature sheets.

-  If the elections official determines the petition does not contain the required number of valid signatures and the filing deadline has not passed, the candidate may submit additional signatures.

Assembly of Electors

ORS 249.735

An assembly of electors is a nominating convention of registered voters gathered in one place at one time within a 12 hour period to nominate nonaffiliated candidates to partisan office. The assembly is conducted by a presiding officer and nominations are recorded by the assembly secretary in the minutes. The minutes also include the signatures of the assembly participants.

-  The date, time and place of the assembly must be scheduled in coordination with the elections official to enable them to attend and supervise the nominating convention.

Prospective Petition

To begin the assembly process the candidate or presiding officer files:

-  Form SEL 115 Candidate Filing – Assembly of Electors signed **only** by the candidate

Approval to Schedule Assembly

After receiving form SEL 115 the elections official reviews for required information and if complete provides written approval to organize and schedule the assembly of electors.

Determining Assembly Logistics

The candidate or presiding officer must coordinate with the elections official to:

- determine a mutually convenient time to conduct the assembly
- review assembly requirements
- provide final signature sheets for approval
- and**
- file copy of published notice

Publish Notice of Assembly

Once scheduled a notice of the assembly of electors must be published at least once in a minimum of three newspapers of general circulation in the electoral district in which the assembly seeks to nominate candidates.

The notice must contain all of the following:

- time and place of the assembly
- office or offices for which nominations will be made
- and**
- the names and addresses of at least 25 active registered voters who want the assembly held and who are eligible to participate

File Notice and Signature Sheets

To receive final approval to convene the assembly the candidate or presiding officer files:

→ a copy of the published notice

and



Form SEL 116 Candidate Signature Sheet – Assembly of Electors with all fields completed and if applicable designating at least two individuals as committee members with the authority to fill vacancy in nominations



See Signature Sheet Requirements on page 27.



If the published notice is not timely filed with the elections official or does not meet the requirements, the assembly of electors will be cancelled. In coordination with the elections official the candidate or presiding officer may reschedule the assembly.



The notice must be published and filed with the elections official no later than the 10th day before the nominating convention. ORS 249.735(3)

Approval to Convene Assembly

Once the candidate or presiding officer files the required information the elections official will review for completeness. If complete the elections official will provide written approval to conduct the assembly of electors that will include:

→ petition number

→ number of signatures required

→ filing deadline



All signature sheets must be approved in writing by the elections official before conducting the assembly. Failure to do so will result in the rejection of the signature sheets.

Obtain Affidavit for Proof of Publication

An affidavit for proof of the published notice is obtained from the newspaper. The affidavit must be attached to a copy of the notice and signed by one of the following:

→ the newspaper's owner

→ editor

→ publisher

→ manager

→ advertising manager

→ principal clerk of owner/editor/manager

or

→ printer or printer's foreman



The affidavit is not submitted until the candidate or presiding officer files the completed petition with the elections official.

Convening the Assembly of Electors

The presiding officer is advised to have more than the required number of participants attend to ensure the minutes contain a sufficient number of valid signatures and upon convening the assembly, the presiding officer must explain:

- the nominating convention is held in one day in one location and is completed within twelve hours or the process must begin again
 - assembly participants must be active registered voters within the electoral districts from which the assembly is nominating candidates
 - candidates may only be nominated for offices published in the notice
 - the candidate receiving the highest number of votes will be the nominee of the assembly for that office
 - only assembly participants may sign approved signature sheets
 - all signers on a signature sheet must be registered voters in the same county
- and
- once the required number of registered voters are present they must remain in the assembly location until candidates have been nominated, signature sheets are signed and the convention is adjourned

Vacancy in Nomination

If a vacancy in nomination occurs it may be filled in either of the following ways:

- The presiding officer may reconvene the assembly following the same rules as the original assembly. The assembly is considered the same assembly if the presiding officer and secretary are the same as during the original assembly.
- or
- A committee designated by the original assembly selects a nominee to fill the vacancy. The committee is appointed by vote during the original assembly and is comprised of at least two persons as indicated on form SEL 116. The committee only has the authority to select a nominee to fill the vacancy if the petition has the required number of signatures.

In either situation a certificate of nomination designating the nominee filling the vacancy must be completed and filed with the elections official.

 The vacancy must be filled no later than the 70th day before the general election, August 30, 2016.

Adjourning the Assembly of Electors

After the assembly has completed the nomination process and selected the committee to fill vacancies, if any, the assembly is adjourned. The elections official collects all completed signature sheets and stamps each sheet under the last signature line signed to ensure no additional signatures are added. The signature sheets will be returned to the presiding officer.

Signature Verification

The presiding officer submits the signature sheets to the appropriate county elections official for verification allowing sufficient time for the verification process to be completed prior to the filing deadline.

Before submitting the signature sheets for verification, the presiding officer must:

- ensure each signature sheet certification is signed and dated by the circulator
 - sort the signature sheets by county, if required
- and

→ number each signature sheet sequentially within each county in the space provided

The county elections official verifies the original signatures against the voters' registration record and returns the certified signature sheets to the presiding officer of the assembly.

Completing a Petition

To complete the petition process the candidate or presiding officer must submit to the elections official:



Form SEL 115 Candidate Filing – Assembly of Electors with the Certificate of Nomination that has been executed by the presiding officer and secretary of the assembly and notarized



The Certificate of Nomination may be executed and notarized on a copy of the SEL 115 originally submitted. If executed and notarized on a new SEL 115 all sections of the form must be completed.

→ verified signature sheets that contain the required number of valid signatures

and

→ proof of published notice affidavit

Signature Tally

The elections official reviews each signature sheet to ensure that:

→ sheets are sorted by county if required, numbered sequentially within each county in the space provided

→ the circulator's certification is sufficient, and

→ no additional signatures were added after adjournment.

After reviewing the sheets the elections official tabulates the number of valid signatures contained on the accepted signature sheets and notifies the candidate and presiding officer of the final tally.

Nonpartisan Office – County

ORS 249.031

In a county nonpartisan race, a candidate does not run as a member of a political party. County nonpartisan offices include Justice of the Peace, County Clerk, County Assessor, County Treasurer, and Sheriff; it may also include County Commissioner. ORS 249.002.

Qualifications

All Candidates must be US Citizens and Electors.

Office	Age	Residency	Term of Office	Special Requirements	Vacancies
Assessor	18	Resident of county one year prior to election ORS 204.016	4 years ORS 204.016	Must be registered appraiser or appraiser trainee and have two years accounting experience or two years employment in appraiser's office. Must be certified to be eligible by Dept. of Revenue ORS 204.016(4)	County governing body appoints qualified person to serve until successor is elected ORS 236.016
Auditor	18	Resident of county one year prior to election ORS 204.016	4 years ORS 204.016	Must be a registered CPA	County governing body appoints qualified person to serve until successor is elected ORS 236.016
Clerk	18	Resident of county one year prior to election ORS 204.016	4 years OR Const., Art VI, §6		County governing body appoints qualified person to serve until successor is elected ORS 236.016
Sheriff	21	Resident of county one year prior to election ORS 204.016	4 years OR Const., Art VI, §6	Proof of certification or eligibility for certification by Department of Public Safety Standards and Training must be provided to filing officer no later than 61 days prior to the election. Exceptions may apply ORS 206.015	County governing body appoints qualified person to serve until successor is elected ORS 236.016
Treasurer	18	Resident of county one year prior to election ORS 204.016	4 years OR Const., Art VI, §6		County governing body appoints qualified person to serve until successor is elected ORS 236.016
Justice of the Peace	18	Resident of state 3 years and residence or office in district one year prior to appointment or becoming a candidate ORS 51.240	6 years (must retire at end of calendar year in which judge attains age of 75) OR Const., Art VII §1a	If not a member of state bar, must take 30 hours of continuing education every 2 calendar years ORS 51.245	Governor appoints qualified person to serve until successor is elected ORS 51.260

-  County Commissioner is a partisan office unless a county home rule charter or ordinance deems it nonpartisan. Contact the local elections official for further information.
-  Qualifications for city or district office may be governed by city charter or ordinance or district by-laws and are not provided. For those offices or any other office not listed in these tables contact the local elections official for the required qualifications.

Filing Requirements

All signatures must be of active registered voters within the district.	Primary Election	General Election	Regularly Scheduled District Election
🕒 First Day to File	September 10, 2015	June 1, 2016	February 4, 2017
🕒 Last Day to File	March 8, 2016	August 30, 2016	March 16, 2017
🕒 Last Day to Withdraw	March 11, 2016	September 2, 2016	March 16, 2017
Office	Fee	Required Signatures	
Assessor, Auditor, Clerk, Sheriff or Treasurer	\$50	or	
ⓘ Contact the local elections official for applicable charter or ordinance provisions that may supersede this information		ⓘ The lesser of either 500 signatures or 1% of the number of votes cast in the district for governor ⓘ Signatures must be obtained from 10% of the precincts in the county	

Filing Methods for a Nonpartisan Office Candidate

ORS 249.020

⚠️ A person may only file for one lucrative office at the same election. Unless the person has withdrawn from the first filing, all filings are invalid. ORS 249.013

Filing by Fee

ORS 249.056

A candidate will file form SEL 101, and pay the required fee, if any. See Filing Requirements above.

File by Petition

ORS 249.008, 249.020, 249.031, 249.035, 249.061-249.076

The following information provides instruction on collecting and submitting sufficient valid signatures to place the candidate's name on the ballot.

⚠️ Violations of certain circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. ORS 260.715

Prospective Petition

Prior to obtaining any signatures candidates must file the following to begin the signature sheet approval process:

- 📄 Form SEL 101 Candidate Filing-Major Political Party or Nonpartisan marked "Prospective Petition" and
- 📄 Form SEL 121 Candidate Signature Sheet – Nonpartisan
- 🔍 See Signature Sheet Requirements on page 27.

Approval to Circulate

After receiving forms the elections official reviews for required information and if complete will provide written approval to circulate the prospective nominating petition that includes:

- petition number
- number of signatures required
- filing deadline

 All signature sheets must be approved in writing by the elections official before circulating. Failure to do so will result in the rejection of the signature sheets.

Required Signatures

County nonpartisan candidates must have the lesser of either:

- 500 signatures
- or
- The lesser of either 500 signatures or 1% of the number of votes cast in the county for governor. Signatures must be obtained from 10% of the precincts in the county.

A nonpartisan candidate may obtain signatures from any active registered voter in the county, regardless of political party affiliation.

Complete Filing

To complete the filing process a candidate will:

- 1 ensure each signature sheet certification is signed and dated by the circulator
- 2 number each signature sheet sequentially in the space provided
- 3 submit the signature sheets to the county elections official for verification allowing sufficient time for the verification process to be completed prior to the filing deadline

and

- 4 file the signature sheets with the Form SEL 338 Petition Submission – Candidate, Voters’ Pamphlet

Candidate Filing Timeline

 The 2016 Primary Election filing period is from September 10, 2015, until no later than 5pm on March 8, 2016.

City Candidates

City candidates may file with the city elections office by paying a fee or by petition to obtain signatures.

The city elections official will qualify all candidates prior to the candidate’s name being placed on the ballot. If the candidate does not qualify for the position the filing will be rejected and any fees will be refunded.

City charter or ordinance qualifications and requirements may differ from state statutes. For more information and specific requirements contact the city elections official before filing.

Filing Requirements

	Primary Election	General Election
🕒 First Day to File	September 10, 2015	June 1, 2016
🕒 Last Day to File	March 8, 2016	August 30, 2016
🕒 Last Day to Withdraw	March 11, 2016	September 2, 2016
Office	Fee	Required Signatures
City Office ⓘ Contact the local elections official to determine which election the office will appear on and for any applicable charter or ordinance provisions that may supersede this information	Set by charter or ordinance or	The lesser of either 500 signatures or 1% of the number of votes cast in the district for governor ⓘ Signatures must be obtained from 10% of the precincts in the city

Filing Methods for City Candidates

⚠️ A person may only file for one lucrative office at the same election. Unless the person has withdrawn from the first filing, all filings are invalid. ORS 249.013

File by Fee

ORS 249.056

A candidate must file the following with the city elections office:

📄 Form SEL 101 Candidate Filing – Major Political Party or Nonpartisan

and

→ Pay the required filing fee, if any

City candidate filing fees may be set by a city charter or ordinance. Check with your city elections official for more information.

File by Petition

ORS 249.008, 249.020, 249.031, 249.035, 249.061-249.076

All signatures must be from active registered voters within the district

A candidate must allow sufficient time for signatures to be verified before the filing deadline.

⚠️ Violations of certain circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. ORS 260.715

The following forms must be completed and filed with the city elections office:

-  Form SEL 101 Candidate Filing – Major Political Party or Nonpartisan marked “Prospective Petition”
- and
-  Form SEL 121 Candidate Signature Sheet – Nonpartisan
-  See Circulator and Petition Sheet Requirements on page 27.

Approval to Circulate

After receiving forms the elections official reviews for required information and if complete will provide written approval to circulate the prospective nominating petition that includes:

- petition number
- number of signatures required
- filing deadline

 All signature sheets must be approved in writing by the elections official before circulating. Failure to do so will result in the rejection of the signature sheets.

Required Signatures

A candidate is advised to obtain more than the required number of signatures to ensure the petition contains a sufficient number of valid signatures.

City candidate must have the lesser of either:

- 500 signatures
- or
- Calculated at 1% of the votes cast in the electoral district for all candidates for Governor. The signatures must be obtained from at least 10% of the precincts in the city.

City charter or ordinance may have different requirements.

Complete Filing

To complete the filing process a candidate must:

- 1 ensure each signature sheet certification is signed and dated by the circulator
 - 2 number each signature sheet sequentially in the space provided
 - 3 submit the signature sheets to the city elections official for verification allowing sufficient time for the verification process to be completed prior to the filing deadline
- and
- 4 file the signature sheets with the Form SEL 338 Petition Submission – Candidate, Voters’ Pamphlet

Signature Verification

The city elections official will review signature sheets for sufficient circulator certification.

The city elections official will submit the signatures to the county elections official for signature verification.

The county elections official will:

- verify the original signatures against the voters’ current registration record
- and

→ return the certified signature sheets to the city elections official.

The city elections official will notify the candidate of the results of the signature verification. If it is determined that there are not enough valid signatures and the filing deadline has not passed, the candidate may submit additional signatures.

Candidate Filing Timeline

 If a city does not elect candidates at a primary election, the first day to file for office is June 1, 2016, and the deadline is no later than 5 pm on August 30, 2016, for the November 8, 2016 General Election.

District Candidates

ORS 255.235

District candidates may file with the county elections office by paying a fee or by petition to obtain signatures.

Qualifications for District Offices

These procedures do not apply to candidates for a newly created district board. Before filing for district office, a candidate should contact the county elections official to review the statutory requirements for the office sought.

As the filing officer, the county clerk will ensure that the candidate qualifies for the position. If they do not qualify the filing will be rejected and the filing fee refunded.

Special district statutory requirements may differ from general state elections requirements.

Soil and Water Conservation District candidates must contact the Oregon Department of Agriculture for information related to filing for candidacy.

Regular district elections to elect district board members are held at the May election in each odd-numbered year. For more information and specific requirements, contact the county elections official before filing.

Candidates for Metropolitan Service District (MSD) offices must follow the same process as state and county nonpartisan candidates.

Filing Requirements for District Offices

Contact your county elections official to ensure all statutory requirements are met.

All signatures must be of active registered voters within the district.

	Primary Election	General Election	Regularly Scheduled District Election:
 First Day to File	January 28, 2016	July 21, 2016	February 4, 2017
 Last Day to File	March 8, 2016	August 30, 2016	March 16, 2017
 Last Day to Withdraw	March 8, 2016	August 30, 2016	March 16, 2017
Office	Fee	Required Signatures	
District Office	\$10	or	The lesser of either 25 signatures or 10% of the total number of active registered voters in the district
 District board members are elected at the regular district election in May of each odd-numbered year. Contact the local elections official for any applicable by-laws that may supersede this information			

-  No person may be a candidate for more than one district office unless the district has less than 10,000 voters residing in the district. ORS 249.013
-  No person may be a candidate for more than one position on the same district board to be filled at the same election. ORS 249.013

Filing Methods for District Candidates

-  A person may only file for one lucrative office at the same election. Unless the person has withdrawn from the first filing, all filings are invalid. ORS 249.013

File by Fee

ORS 249.056

A candidate will file:

-  Form SEL 190 District Candidate Filing form
and
→ The appropriate filing fee

File by Petition

ORS 249.064, 249.076, 255.012, 255.235

A candidate must allow sufficient time to have the signatures verified before the filing deadline. A candidate nominating petition for a district candidate is not approved by the county elections official prior to circulation. Instead the district candidate uses the following signature sheet to gather signatures:

-  Form SEL 121 Candidate Signature Sheet – Nonpartisan
-  See Circulator and Petition Sheet Requirements on page 27.

-  Violations of certain circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. ORS 260.715

Complete Filing

To complete the filing process a candidate must:

- 1 obtain more than the required number of signatures to ensure the petition contains a sufficient number of valid signatures.
- 2 ensure each signature sheet certification is signed and dated by the circulator.
and
- 3 submit the signature sheets to the appropriate county elections official for signature verification along with:
 -  Form SEL 190 Candidate Filing - District

Signature Verification

The county elections official reviews signature sheets for sufficient circulator certification and verifies the original signatures against the voters' current registration record.

Candidate Filing Timeline



Deadline to Complete of Candidacy for District Nomination

	First Date to File	Last Date to File
Primary Election:	January 28, 2016	March 08, 2016
General Election	July 21, 2016	August 30, 2016
Regularly Scheduled District Election:	February 4, 2017	March 16, 2017

Write-In Candidates

ORS 254.548

Oregon voters have the option of writing in the name of a candidate for any office instead of voting for a candidate printed on the ballot. Write-in votes are tallied together with a lump sum recorded for each office unless there is no candidate on the ballot, or the total number of write-in votes exceeds the candidate with the most votes.

A candidate seeking nomination or election to office by write-in does not complete any candidate filing forms but must qualify for the office and may be required to establish a campaign account and file a Statement of Organization designating a candidate committee.



See the Campaign Finance Manual and the ORESTAR User's Manuals available at www.oregonvotes.gov.

Prior to sending a notification to any person who is nominated or elected by write-in, the filing officer will conduct a review of the qualifications of the office. If the person who received the most votes does not qualify for the position, the office becomes vacant.

If any individual is nominated or elected by write-in votes, the procedures for accepting the nomination of office are explained in the following sections:

Notification

The elections official notifies the candidate by sending:



Form SEL 141 Write-In Candidate Acceptance

Acceptance of Nomination or Office

To accept the nomination or office, the candidate completes, signs and returns form SEL 141 to the elections official.

Certificate of Nomination or Election

Upon receipt of the completed and signed SEL 141 the elections official prepares and delivers a certificate of nomination or election to the candidate and if applicable, issues a proclamation of election.



Deadline to Complete Write-In Process

	Primary Election	General Election	District Election
Notification:	June 13, 2016	December 5, 2016	June 12, 2017
Acceptance:	June 21, 2016	December 13, 2016	June 20, 2017
Certificate:	June 26, 2016	December 18, 2016	June 25, 2017

Vacancy

A vacancy in office may occur at any time during a term of office, even before the person takes the oath of office or before the term ends.

- The processes for filling a vacancy are dependent upon the type of office and when the vacancy occurred, not why the vacancy occurred.
- Reasons for vacancies may include death, resignation, disqualification or recall.
- ORS 236.320 provides that resignations for public office shall be in writing and filed with the appropriate filing officers

The Oregon Constitution, Oregon Revised Statutes and Oregon Administrative Rules have applicable sections regarding vacancies. The Oregon Constitution and Oregon Revised Statutes can be searched [here](#). The search can be narrowed by using the ORS General Index. Oregon Administration Rules are found [here](#).

Petition Guidelines and Requirements

The guidelines and requirements for producing and circulating candidate nominating petition signature sheets are explained in the following sections.

Official Signature Sheets

ORS 249.031, 249.061, 249.064

Local candidates must use approved signature sheet forms to collect signatures. Candidate nominating petitions cannot be circulated using an electronic signature sheet.

Signature sheets must be submitted for approval exactly as intended to circulate, including weight, style and color of paper. Official signature sheets include:

- Form SEL 102, Candidate Signature Sheet – Major Party
- Form SEL 116, Candidate Signature Sheet – Assembly of Electors
- Form SEL 121, Candidate Signature Sheet – Nonpartisan
- Form SEL 122, Candidate Signature Sheet – Individual Electors



Any proposed variation to the approved signature sheet must be resubmitted and approved in writing by the elections official before circulating.

Signature Sheet Requirements

Each signature sheet must meet the following formatting requirements:

- standard 8½ x 11 size paper
- at least 20 pound uncoated paper
and
- printed on white or colored paper stock to enable elections officials to readily verify signatures

Guidelines for Circulation

ORS 249.061

To ensure compliance with circulating requirements, candidates must educate circulators on the guidelines for circulating and monitor their activities.

Circulator Requirements

Each circulator must:	What this means:
→ personally witness each signature collected	✓ watch the person sign the petition ⓘ It is not sufficient to merely be present in the same room or vicinity.
→ complete the circulator certification after witnessing all signatures collected on a sheet	✓ use legal signature with a minimum of a first name initial and full last name ⓘ Initials, signature stamps, illegible or printed script are not sufficient unless verified by exemplar.
→ provide the date when the certification was signed	✓ date must be provided in month, day, year order if written in all numbers

! A circulator's failure to comply with these requirements may result in the rejection of the petition signature sheets and a felony conviction for the circulator.

Circulator Prohibitions

It is against the law for circulators to:

- circulate a petition containing a false signature
- attempt to obtain the signature of a person who is not qualified to sign the petition
 ⓘ Only active registered voters may sign a petition.
- make false statements to any person who signs the petition or requests information about it
- offer money or anything of value to another person to sign or not sign the petition
- sell or offer to sell signature sheets
- write, alter, correct, clarify or obscure any information about the signers unless the signer initials after the changes are made
 ⓘ A circulator may assist a disabled signer who requests assistance in completing their printed name, address and date signed.

! Violations of the circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. ORS 260.715.

Signer Requirements

	Each petition signer must:	What this means:
All Petition Types	→ provide an original signature and should be encouraged to provide their printed name and date signed ⓘ These informational fields, while optional unless otherwise noted below, provide valuable assistance when verifying signatures.	✓ sign the petition using a signature contained in their voter registration record
	→ be an active registered voter at the time of signing the petition in the candidate's electoral district	✓ information in the voter's registration record is up to date and they would be able to vote for the candidate
	→ sign a petition sheet that is designated for their county of residence	✓ sign a petition sheet designated for the county they are registered to vote in
	→ provide a residence or mailing address	✓ should be encouraged to provide the address where they are registered to vote at
Major Party Petition ONLY	→ at the time of signing the petition be a member of the same political party as the candidate	✓ information in the voter's registration record is up to date and they would be able to vote for the candidate at a primary election

Signature Date

If no date is provided by the signer, the signature is only considered valid if the signer:

- ✓ was an active registered voter between the date the petition was approved to circulate and the circulator's certification date
- originally registered to vote on or after the date the petition was approved to circulate and was an active registered voter between their original registration date and the circulator's certification date

ⓘ This standard also applies to any signer that provides a date of birth or a date that at the time of verification has not yet occurred instead of the date they signed the petition.

Signer Prohibitions

It is against the law for signers to:

- sign another person's name under any circumstances
- sign a petition more than one time
- sign a petition when not qualified to sign it

⚠ Only active registered voters may sign a petition. If the signer is not registered to vote or an active voter the signature will be rejected unless a completed registration card is received by a designated voter registration agency or an elections filing officer before 5 pm the day the petition is signed or 11:59 pm if completed electronically online at www.oregonvotes.gov.

Certification of Signature Sheets

OAR 165-014-0270

After all signatures on a signature sheet have been collected, circulators complete the certification by signing their legal signature and providing the date when the certification was signed.

! If the circulator certification is not completed or determined to be insufficient the signature sheet will be rejected.

Prior to submission to elections officials the circulator may correct the following defects:

Circulator Signature Defects

If the circulator has:	the circulator should:
→ signed using only initials i Unless verified by exemplar.	✓ sign and re-date certification with legal signature
→ signed using a signature stamp i Unless approved under ORS 246.025.	✓ re-sign and re-date certification with legal signature
→ signed using an illegible signature i Unless verified by exemplar.	✓ re-sign and re-date certification with legal signature
→ signed using printed script instead of cursive i Unless verified by exemplar.	✓ re-sign and re-date certification with legal signature
→ photocopied or carbon copied the certification	✓ sign and re-date certification with legal signature
→ signed in a manner that the signature, printed name, and address are all illegible	✓ re-sign and re-date certification with legal signature

Certification Date Defects

If the date is:	the circulator should:
→ missing	✓ re-sign and date or date and initial correction
→ crossed out	✓ re-sign and re-date or re-date and initial correction
→ overwritten with a different date	✓ re-sign and re-date or re-date and initial correction
→ earlier than all petition signers i Unless the circulator and the only signer are the same person.	✓ re-sign and re-date or re-date and initial correction
→ earlier than some, but not all petition signers i Only those signatures dated on or before the date of the certification will be accepted.	✓ re-sign and re-date or re-date and initial correction
→ partial or ambiguous	✓ re-sign and re-date or re-date and initial correction i Date must be provided in month, day, year order if written in all numeric characters.
→ obscured in any way by white out or other correction fluid or adhesive tape	✓ re-sign and re-date or re-date and initial correction

The following defects in the circulator certification cannot be corrected and any signature sheet submitted that contains one of these defects will be rejected:

Incurable Defects

- the original signature of a circulator has been crossed out, and a different circulator's signature is inserted
 -  Unless the original signature is that of an individual whose signature appears on the same signature sheet as a signer.
- two individuals sign and date as circulator
 -  Unless the only signers and the circulators are the same people.
- white-out or other correction fluid or adhesive tape appears on the signature line

Guidelines for Completing Candidate Filing Forms

ORS 249.031

All forms must be complete before submitting them to the Elections Division.

-  Failure to provide information for each of the required fields may result in rejection of the candidate filing forms.
-  Providing false statements on filing forms is a violation of Oregon Election Law and the candidate may be convicted of a Class C Felony. ORS 260.715(1)

Additional information may be required and will be discussed further this section under the specific section.

Original or Amendment

Indicate if the filing is an Original filing or an Amendment that is changing information prior to the filing deadline.

Filing Officer

Indicate who the filing office is for the position

- **Secretary of State** : Any Federal, Statewide, State Senate, State Representative, Judicial (including County Judges with judicial duties) and District Attorney positions
- **County Elections Official**: Any county or district position
- **City Recorder (Auditor)**: Any city office that is elected by the citizens of a city

Candidate Information

Complete the following information:

- **Name of Candidate**: This should be the candidate's full name (first, middle initial and last). If filing online through ORESTAR, this field is automatically populated from the user profile and cannot be modified. Prefix (Mr. or Ms.), suffix (Jr., Sr., III, etc.) and title (MD, CPA, etc.) fields can be added if desired.
- **How name should appear on ballot**: How the candidate wishes his/her name to appear on the ballot. If a nickname is used in connection with the candidate's full name, the nickname should be in parentheses. Titles and designations (e.g., Dr., CPA) should not be included as they cannot appear on the ballot.
- **Candidate Residence Address**: The residential address of the candidate, including the county.

- **Mailing Address for Candidate Correspondence:** The address where the candidate wishes to receive correspondence from the Elections Division. To use the residence address as the mailing address for candidate correspondence, click in the checkbox.
- **Contact Information:** Enter work phone, home phone, cell phone, fax, email address and website, if applicable. **At least one phone number and an email address are required.**

The following are guidelines to complete the required fields of occupation, occupational background, educational background and prior governmental experience on the candidate filing forms. These fields are required and information provided must be accurate. Not every occupational, educational or prior governmental experience is required to be provided. If the candidate has no relevant experience, None or NA must be entered.

Occupation and Occupational Background

- **Occupation (present employment – paid or unpaid):** The current full or part-time employment or other line of work, business, craft or professional information (not required to indicate whether paid or not paid). If not employed, enter “Not Employed” or “None”.
- **Occupational Background (previous employment – paid or unpaid):** Previous full or part-time employment or other line of work, business, craft or professional information (not required to indicate whether paid or not paid).

Educational Background

- **Educational Background (schools attended):** The schools attended by the candidate, including the last grade level completed, whether a diploma, degree or certificate was received, and the course of study. It is not required that every educational experience be listed, but what is listed must be accurate. Provide the complete name of the school, no acronyms.
- **Educational Background (other):** Other educational experiences of the candidate.

 A degree indicates a college, university or professional school has awarded a title upon the person for completion of a program of study. For this purpose, honorary degrees or degrees from "degree mills" should not be included under this requirement.

Prior Governmental Experience

- **Prior Governmental Experience (elected or appointed):** The current or previous governmental experience, which refers to a person’s involvement in governmental activities, such as appointed boards and commissions, elected boards and other elected or appointed public offices. Full or part-time, paid or unpaid or volunteer experience may be included (not required to indicate whether paid or not paid). If the candidate has no prior governmental experience, enter “None”.

Candidate Signature and Date Signed

The form must have a physical signature and the date the candidate signed the form if filing by paper.

Additional Information Required

The following instructions are for fields on specific forms that are unique to that form.

SEL 101 Candidate Filing – Major Political Party or Nonpartisan

Paying by Declaration or Petition

Complete the following information.

- **Declaration:** if paying a fee check this box.
- **Prospective Petition:** if collecting signatures check this box.
- **Petition circulators will be paid:** when collecting signatures, if circulators are being paid to gather the sufficient number of signatures, mark Yes. If circulators are volunteering their time to help collect signatures, mark No.

Office Information

Complete the following information.

- **Filing for Office of:** Indicate the office the candidate is filing for.
- **District, Position or County:** Indicate the district, position or county of the office the candidate is filing for.
- **Party Affiliation:** Select the candidate's party affiliation. If entering your candidacy online, 'Nonpartisan' will automatically populate if the office indicated is nonpartisan.
- **Incumbent Judge:** If filing for a state judge position, indicate if the candidate is the incumbent judge by selecting Yes or No.

Campaign Finance Information

Candidate Committee

Indicate by checking the box if:

- The candidate has a committee already established
- The candidate does not intend to receive more than \$750 or spend more than \$750 toward the campaign in the next calendar year.
 -  This includes the spending of personal funds.
- The candidate has not yet established a candidate committee but intends to within the next three days.

 Under statute, once a candidate has received money or spent money toward their campaign they have three business days to set up a campaign finance committee. ORS 260.035.

SEL 110 Candidate Filing – Minor Political Party

Multiple Nomination Information

- **List other nominations to be printed on ballot:** Up to three parties can nominate a candidate to be their candidate. If the candidate wishes to have more than one party listed behind their name on the general election ballot, those parties should be listed in this field.

- **Order of other nominations:** If the candidate wishes to have the parties listed as outlined in this manual, select Default. If the candidate wants to mark the party order as they have listed above, mark Specified.

Candidate Nomination Certificate

Candidate filings by a minor party must be notarized prior to submission. The following fields must be completed.

- **Name of Minor Political Party:** The name of the Minor Party nominating the candidate.
- **Signature of the Officer of Minor Political Party:** the signature of one of the officers listed on the by-laws of the minor political party.
- **Date Signed:** the date the officer of the political party signed the candidate filing form
- **Printed Name of the Officer of Minor Political Party:** the clearly printed name of the officer that signed the candidate filing form.

The following fields are completed by a Judge or Notary Public.

- **State of Oregon, County of:** name of the county in which the Judge or Notary Public is signing the candidate filing form.
- **Signed before me on:** date the Judge or Notary Public witnessed the Minor Political Party officer sign the candidate filing form.
- **By:** the name of the Judge or the Notary Public
- **Judge or Notary Public-State of Oregon:** signature of the Judge or Notary Public

SEL 114 Candidate Filing – Individual Electors

- **Name of Chief Sponsor:** The name of the candidate or other person interested in placing the candidate name on the ballot. This can be the candidate.

SEL 115 Candidate Filing – Assembly of Electors

Assembly of Electors fields to complete.

- **Name of Person Submitting Certificate of Nomination:** The name of candidate or a person designated as the presiding officer.
- **Address of Person Submitting Certificate of Nomination:** the address of the candidate or the presiding officer named in the above field.
- **Signature of Presiding Officer:** The signature of the candidate or the signature of the presiding officer of the assembly.
- **Printed Name of Presiding Officer:** the clearly printed name of the presiding officer.
- **Signature of the Secretary:** the signature of the candidate or the secretary of the assembly.
- **Printed Name of the Secretary:** the signature of the candidate or the signature of the secretary of the assembly.

The following fields are completed by a Judge or Notary Public.

- **State of Oregon, County of:** name of the county in which the Judge or Notary Public is signing the candidate filing form.
- **Signed before me on:** date the Judge or Notary Public witnessed the Minor Political Party officer sign the candidate filing form.
- **By:** the name of the Judge or the Notary Public.
- **Judge or Notary Public-State of Oregon:** signature of the Judge or Notary Public.

SEL 141 Candidate Filing – Write-In

Office Information

Complete the following information.

- **Filing for Office of:** indicate the office you are accepting.
- **District, Position or County:** If the office has a district number and/or a position number or the office covers an entire county, indicate that information in this field.

Multiple Nomination Information

- **List other nominations to be printed on ballot:** Up to three parties can nominate a candidate to be their candidate. If the candidate wishes to have more than one party listed behind their name on the general election ballot, those parties should be listed in this field.
- **Other nominations should be printed in what order?** If the candidate wishes to have the parties listed as outlined in this manual, select Default. If the candidate wants to mark the party order as they have listed above, mark Specified.

SEL 150 Candidate Filing - Withdrawal

Withdrawal from Candidacy or Nomination for Office Information

- **Office of:** indicate the office you originally filed for.
- **District, Position or County:** indicate the applicable district, position number or county of the office you filed for.
- Check the box to indicate if you were a Candidate for Nomination or if you were running for office by political party.

Withdrawal Reason

- In the box, indicate why you are withdrawing your candidacy.

SEL 190 Candidate Filing - District

Office Information

Complete the following information

- **Filing for Office of:** Select the office the candidate is filing for.
- **District, Position or County:** Select the district, position or county of the office the candidate is filing for.

Filing Information

Please check the method used to file a completed form.

- Filing with the required \$10.00 fee
- Prospective Petition, see the District Candidate section of this manual for the requirements for a candidate filing by petition.

Campaign Finance Information

Candidate Committee

Indicate by checking the box if

- The candidate has a committee already established
- The candidate does not intend to receive more than \$750 or spend more than \$750 toward the campaign in the next calendar year.
 -  This includes the spending of personal funds.
- The candidate has not yet established a candidate committee but intends to within the next three days.

 Under statute, once a candidate has received money or spent money toward their campaign they have three business days to set up a campaign finance committee. ORS 260. 035

Other Forms

Additional forms that may be necessary to file.

SEL 220 Statement of Organization for a Candidate Committee

This form is used to establish the campaign finance committee for a candidate. "Candidate" includes any of the following:

- an individual whose name is printed on a ballot, for whom a declaration of candidacy, nominating petition, or certificate of nomination to public office has been filed, or whose name is expected to be or has been presented, with the individual's consent, for nomination or election to public office;
- an individual who has solicited or received and accepted a contribution, made an expenditure, or given consent to an individual, organization, political party, or political committee to solicit or receive and accept a contribution or make an expenditure on the individual's behalf to secure nomination or election to any public office at any time, whether or not the office for which the individual will seek nomination or election is known when the solicitation is made, the contribution is received and retained, or the expenditure is made, and whether or not the name of the individual is printed on a ballot;

or

- a public office holder against whom a recall petition has been completed and filed.

SEL 223 Campaign Account Information

All committees must establish a dedicated campaign account. The information provided on the Form SEL 223 Campaign Account Information is exempt from public disclosure.

Please refer to the Campaign Finance Manual for further information about the SEL 220 and the SEL 223

SEL 338 Petition Submission

Form submitted that provides the number of signatures submitted for verification by completing and filing candidacy by petition.



List of Forms

SEL 101

Candidate Filing – Major Political Party or Nonpartisan

SEL 102

Candidate Signature Sheet – Major Party

SEL 105

Candidate Filing – Precinct Committeeperson

SEL 110

Candidate Filing – Minor Political Party

SEL 114

Candidate Filing – Individual Electors

SEL 115

Candidate Filing – Assembly of Electors

SEL 116

Candidate Signature Sheet – Assembly of Electors

SEL 121

Candidate Signature Sheet – Nonpartisan

SEL 122

Candidate Signature Sheet – Individual Electors

SEL 141

Write-In Candidate Acceptance Form

SEL 150

Withdrawal – Candidacy or Nomination

SEL 190

Candidate Filing – District

SEL 220

Statement of Organization for a Candidate Committee

SEL 223

Campaign Account Information

SEL 338

Petition Submission – Candidate Voters' Pamphlet