



Staff Report

File #: 16-404

Version: 1

Date: 12/5/2016

Item #:

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Dan Atchison, City Attorney

SUBJECT:

Designation of March 14, 2017 as the date for a special election to fill the vacant council position for Ward 6.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

ISSUE:

Shall City Council designate March 14, 2017 as the date for a special election to fill the vacant council position for Ward 6.

RECOMMENDATION:

Designate March 14, 2017 as the date for a special election to fill the vacant council position for Ward 6.

SUMMARY AND BACKGROUND:

On November 28, 2016, the City Council accepted the resignation of Councilor Daniel Benjamin, and declared the council position for Ward 6 vacant. As discussed below, it is necessary to conduct a special election to fill the vacant council position at the next available date.

FACTS AND FINDINGS:

Section 20 of the Charter provides that, at the time a vacancy occurs, if there is more than one year to the next primary election, the vacancy shall be filled at a special election at the next available date. The next primary election is not until May 2018, which is more than one year from November 28, 2016. Therefore the position must be filled by special election. The next date for a special election is March 14, 2017. As set forth in the table below, there is adequate time to meet the deadlines to conduct the special election on March 14, 2017. The City will be required to pay all costs associated with conducting the special election.

The Marion County Clerk provided the following information: Elections generally cost between \$1.00 to \$2.00 per voter. This special election will occur only within Ward 6, which currently contains 8,474

registered voters. A rough estimate of the cost of this special election is between \$8,500 to \$17,000, with the actual cost to be determined after the election results are certified. That cost includes preparation of an abbreviated voters pamphlet containing candidate statements. The Marion County Clerk has informed staff that no other elections are currently scheduled for the March 2017 election. Important dates for the March 14, 2017 special election:

- January 3, 2017 - Deadline for potential candidates to submit nominating petitions to the City Recorder (SRC 11.040).
- January 12, 2017 - Deadline for the City to submit notice to Marion County Clerk for the special election (ORS 254.095).
- January 12, 2017 - Deadline for certified candidates to submit candidate statements to the Marion County Clerk for inclusion in the voters' pamphlet.

While the Charter provides that a special election be held on the "next available date," if Council determines that the March 14, 2017 date is not practicable for prospective candidates to submit nominating petitions, the next available date is May 16, 2016. Per the Marion County Clerk, the May 2017 election is a District Election, and may include items from districts, such as the school district, fire districts, transit, and others. If there are other items on the May 2017 election, the cost of the election would be shared with other governmental entities that have items on the ballot.

To qualify for the ballot a prospective candidate must:

- Be a resident of Ward 6 for at least 12 months prior to being elected,
- Be a qualified elector (voter), and
- Obtain 50 signatures from qualified voters within Ward 6 on a nominating petition.

Important dates for the May 2017 election are:

- March 7, 2017 - Deadline for potential candidates to submit nominating petitions to the City Recorder (SRC 11.040).
- March 16, 2017 - Deadline for City to submit notice to Marion County Clerk for the special election (ORS 254.095).
- March 16, 2017 - Deadline for certified candidates to submit candidate statements to the Marion County Clerk for inclusion in the voters' pamphlet.

Dan Atchison, City Attorney