

Ordinance No 136.

An ordinance relating to city elections and the city organization and manner of conducting elections.

Ord No. 136
Rep 15-07
Amend 743
1150
958

The people of the city of Albany do ordain as follows:

Section I. That for the purpose of municipal representation the city of Albany be and hereby divided into three wards designated and bounded as follows. Ward number one (1) is hereby declared to include all that part of said city lying west of the middle of Perry street to Fourth street; thence along the center of Fourth street to a point opposite the center of the court house thence south to the center of Fifth street; thence west to the center of Perry street. Thence south along the center of Perry street to the southern boundary of the city. Ward number two (2) is hereby declared to include all that part of said city lying east of the eastern boundary of ward number one (1) to the center of Baker street; ward number three (3) is hereby declared to include all that portion of said city lying east of ward number two (2).

Section II. The annual election of officers of the city of Albany shall be held on the first Monday of December of each year and the polls shall be opened at nine (9) o'clock in the morning, and closed at six (6) o'clock in the evening of said day, provided that the judges may for the purpose of receiving all votes, hold the polls open until seven (7) o'clock in the evening of said day, and the polls shall not be closed from nine o'clock A.M. to six o'clock P.M. of said day.

Section III. It shall be the duty of the Recorder to provide two poll books for each ward, for such election, which shall be delivered to the judges when they are sworn in, as judges of elections.

Section IV. It shall be the duty of the Marshall of said city, to see that the places selected as a voting place, in the several wards, are properly furnished with what is necessary for the accommodation of the judges and clerks.

Section V. So far as the annual election is not provided for by this ordinance it shall as far as circumstances will permit, be conducted according to the laws of this State, regulating elections for State and County officers.

Section VI. Each voter must be a qualified elector of the

State of Oregon, and also must have resided in the city three months, and in the ward thirty days, next preceding the election.

Section VII. There shall be chosen one Mayor, and one Recorder, to serve for the term of two (2) years; one Treasurer and one Marshall to serve for the term of one (1) year; and one Alderman from each ward, to serve for the term of two (2) years. Each officer besides possessing the privilege of an elector, must have resided in the city three (3) months next preceding the election, in addition to the qualifications before stated, to be eligible to the office of Alderman a person must have been a resident of the ward, from which he is elected for the period of ninety (90) days next preceding the election.

Section VIII. When ever any Alderman removes from the ward, from which he is elected, or shall fail to attend three (3) regular consecutive meetings, without first obtaining from the Council, the office shall be deemed vacant and the Council shall proceed to fill the same by appointment, of some resident of the ward made vacant.

Section IX. At the first regular meeting of the Council in November, or at a special meeting called for that purpose the Council shall appoint three persons for each ward in the city, to act as judges of election, who are legal voters of the city, and also appoint two (2) persons from each ward, to act as clerks of election, who shall possess the same qualifications as the judges.

Section X. If any person appointed by the Council, as judges or clerk of election, shall fail to be present at the place of voting, at the time when the polls shall be opened, the voters there present shall select judges, or clerks, who shall be voters of the city, who when qualified, shall conduct the election, as if appointed by the Council.

Section XI. Previous to the votes being taken, the judges and clerks of election, shall severally, take and subscribe to an oath in the following form, to wit: "I do solemnly swear or affirm that I will perform the duties of judge of election, or of clerk of election as the case may be, according to the law, and to the best of my ability; that I will steadily endeavor to."

prevent fraud, deceit and abuse in conducting the same. So help me God.

Section XII. The Recorder or any authorized person to administer oaths, shall administer the oath to the judges and clerks, and in case of the absence of the Recorder, or any person so qualified, one of the persons chosen to act as judge of election, is hereby empowered to administer the oath to the judges and clerks of election, and the person administering such oath, shall cause an entry of the same to be made and subscribed to by him, and prefixed to the poll books.

Section XIII. The Council shall select one polling place in each ward, at which place, the election shall be held, and ten (10) days before any regular election, by printed posters in each ward, which notice shall designate the place of holding the election, the time of opening and closing the polls, the officers to be elected, and the names of judges and clerks, he shall also at least five (5) days before such election, notify the judges and clerks, of their appointment as such.

Section XIV. The judge of election shall administer the following oath to any person whose vote is challenged. "You do solemnly swear (or affirm) that you are a citizen of the United States, or that you have declared your intention to become such, above the age of twenty one (21) years, that you have resided, in this State for six (6) months and in this City for three (3) months, and in this ward for thirty (30) days, preceding this election. So help you God, that if any person, refuses to take such oath when tendered him, his vote shall be rejected by the judges of election.

Section XV. The clerks shall keep a record on the poll books of the names of the voters, in the order in which they shall vote.

Section XVI. On or before the second day after any city election, returns of said election shall be made to the Recorder, and on the fourth after the returns are in, the Recorder shall call to his assistance, the Mayor, and they shall proceed to canvass the votes, at the next regular meeting of the Council, a written statement must be made to the Council signed by the canvassers giving the whole number of votes cast, the number.

cast for each person for any office, and the names of those and to what office.

Section XVII. After the votes are counted the Recorder shall issue certificates of election to the persons elected, which certificates shall be primary evidence of the facts therein stated, but the Council shall be the final judge of the qualifications, and election of its own members, and in case of a contest between two persons claiming to be elected there to, must determine the same.

Section XVIII. In case of a contested election of Mayor, Recorder, Marshall, or Treasurer the same must be determined by the state law regulating contested elections of County Officers.

Section XIX. In case two or more persons shall at any election receive an equal number, and the highest number of votes for the same office, the Recorder shall certify them of the fact, and advise them of the next meeting of Council when the case shall be considered by lot, and the Mayor and Recorder shall certify to the City Council, the fact of their being a tie, and at the first regular meeting thereafter, the Clerks shall write the names of such candidates on separate pieces of paper, and put them in a hat or box and put into another hat or box the same number of pieces of paper, on one shall be written the name of the office for which they are candidates, and after the hats or boxes are shaken by two aldermen, two other aldermen shall draw in the presence of others one a paper from one box or hat, and the other from the other box or hat, and so on until the paper is drawn on which the name of the office is written and the person whose name is drawn against that, shall be declared elected to the office in question, as if he had received a majority of the votes cast at the annual election, and the Recorder shall issue a certificate accordingly.

Section XX. Any candidate failing to receive a certificate of election, and intending to contest the election of the candidate in whose favor returns have been made, shall before the next regular meeting of the City Council file with the Recorder a notice of his intention to so contest, addressed to said Council, stating therein the points on which he will contest the same.

Section XXI. The City Council shall from time to time appoint a committee to examine testimony and report thereon at some regular period provided that the points on which the contest is made are such that they deem it necessary to take testimony said committee shall give five days notice to both parties of the time and place where such hearing shall be had and after concluding the hearing of testimony thereon they shall report the result to the Council with a brief review of the testimony elicited, and the reasons of their decisions, and thereupon the contest shall be finally decided by a vote of the Council, unless they determine to examine the testimony themselves before so deciding which they may do by renewing the five days notice to the parties interested.

Section XXII. The residence of any voter under the terms of this ordinance shall be considered to be where his family resides and in case he has no family where he boards.

Section XXIII. Any person who shall willfully vote at any city election illegally, not being a voter in this city, or shall attempt to do so, shall on conviction thereof before the City Recorder, be fined not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars and costs, in default of the payment, which he shall be committed to the City Jail not to exceed thirty days.

Section XXIV. Judges and clerks of elections for city officers shall be allowed a fee of two (\$2) dollars for their services, and after each election the Recorder shall make out an account and return it to the Council, of those who served as judges and clerks and their claims shall be allowed as other claims against the City, are allowed by the Council.

Section XXV. The term of an officer shall commence on the first Monday in January after the election, and terminate when his successor is elected and qualified, and by such time, the officer must qualify therefor, by taking and filing the prescribed oath of office with the Recorder, or he shall be deemed to have declined, and the office deemed vacant, the term of office of any person appointed to an office shall begin on the day following such an appointment, and ^{terminate} ~~terminate~~ when his successor is elected, and qualified, and such officer shall qualify on such day by taking and filing his oath of office with the Recorder, and giving such official undertaking as may be required, or he shall be deemed to have declined

and the office considered vacant.

Section XXVI. All officers elected, or appointed under this ordinance before entering upon the duties of their office, must take and file with the Recorder, the following oath of office to wit: I do solemnly swear (or affirm), that I will support the constitution of the United States, and of the State of Oregon, and that I will, to the best of my ability faithfully perform the duties of the office of _____ of the City of Albany during my continuance there in "So help me God" if the person affirms instead of the last clause the following must be taken, to wit, "and this I promise under the pains and penalties of perjury"

Section XXVII. All laws of this state regulating and governing general elections, and proceedings, and matters incident thereto, shall apply to and govern city elections, except as otherwise provided by this ordinance.

Section XXVIII. All ordinances or parts of ordinances in conflict with this ordinance, are hereby repealed.

Section XXIX. This ordinance shall be in full force and effect from and after five (5) days after its publication.

Passed the Council May 12th 1885.

Approved May 18th 1885. W. M. Ketchum

Attest:

N. J. Henton,
Recorder of the City of Albany.