



CITY OF BEND

**CITY RECORDER ELECTIONS MATERIAL REVIEW
CITY COUNCILOR CANDIDATES
POLICY/PROCEDURE**

Policy No. 2019-4

Bend Code Chapter 1.30.005 provides for ‘City Manager Authority to Adopt Administrative Regulations, Policies and Guidelines.’ All regulations, policies and guidelines adopted by the City Manager shall be consistent with the City of Bend Charter, the Bend Code, and council ordinances.

The following policy conforms to the above stated standards.

Authorized by City Manager:

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Eric King
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Eric King, City Manager

Dated: 6/4/2024

Reviewed by Legal Counsel:

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Mary Winters
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Mary Alice Winters, City Attorney

Dated: 6/4/2024

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I. LEGAL BACKGROUND

The City Recorder is the City Elections Officer, and the City's filing officer for purposes of state elections law. The City Recorder receives nominating petitions for candidates for councilor and mayor positions ("council position"). BMC 1.25.005B. The City Recorder must verify qualifications for a candidate prior to their name being placed on the ballot. If the candidate does not qualify for the position, the filing will be rejected.

Under the City's Charter, a council position candidate (1) shall be a qualified elector as defined by the state constitution and (2) shall have resided in the city during the 12 months immediately before being elected or appointed to the office. "City" means area inside city limits at the time of the election or appointment. Bend Charter Section 12.

To be a "qualified elector" under the Oregon State Constitution, a person must be a (1) United States citizen; (2) 18 years of age or older, (3) have resided in Oregon for at least six months prior to the election, and (4) be registered to vote at least 20 days prior to the election.

[ORS 249.008](#) requires signatures on nominating petitions to be verified by the County Clerk.

II. PROCEDURES BY CITY RECORDER FOR PROSPECTIVE CANDIDATES

A. The prospective candidate must complete forms SEL 101 Candidate Filing and SEL 121 Candidate Signature Sheet-Nonpartisan (the nominating petition), which are available on the website or at the Office of the City Recorder, and file them with the City Recorder.

B. The City Recorder shall require the candidate to present documentation of the candidate's qualifications to serve a council position. The documentation must include:

1. A voter's registration card or other proof that the candidate is a registered voter to establish that the candidate is a qualified voter based on the requirements of the Oregon State Constitution (if time permits, the City Recorder may verify voter registration with the County Clerk) and is 18 years of age, **and**
2. Two or more of the following, in the name of the candidate, to establish the residency requirement:
 - Utility bill showing service to a Bend residential address
 - Received correspondence (envelopes) showing delivery to a Bend residential address

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- Current driver's license, Passport or Real ID with a Bend residential address
- Deed of home ownership within the city limits
- Rental agreement within the city limits
- Property tax documents in the candidate's name
- Any other document providing evidence of residency acceptable to the City

C. The nominating petition will be accepted if documents demonstrate residency and voter status at the time the petition is presented and at the time twelve months prior to the election date.

D. The candidate must certify that the information and documentation submitted is true and correct. The candidate must acknowledge that all candidate filing materials provided to the City are public information and subject to disclosure under the Oregon Public Records Law.

E. The City Recorder may consult with the City Attorney regarding the documentation required by this Policy.

F. On receipt of a nominating petition for a council position, the City Recorder shall date and time stamp the petition. ORS 249.006.

G. Any challenge to the City Recorder's determination of a candidate's qualifications will be decided by the City Council. Bend Charter Section 12(3). A candidate seeking to challenge the City Recorder's determination must file a written challenge with the City Recorder's Office within five business days of the City's Recorder's determination, which will be decided by Council at its next regularly scheduled meeting or at a special meeting if time does not permit scheduling at a regular meeting. The City Recorder will not forward the candidate's name to the County for inclusion on the ballot until the Council has decided the issue or the time has passed for a challenge, provided that the deadline for submitting the candidate's name for inclusion on the ballot can still be met.

III. PROCEDURES TO THEN BE PLACED ON THE BALLOT

A. The candidate must circulate the approved petition for signatures. City Code requires 150 valid signatures to place a candidate on the ballot.

B. The candidate must provide the signed petition sheets to the County Elections Officer (County Clerk) for verification of the signatures.

C. After the signatures on the nominating petition (SEL 121) have been verified by

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the County Clerk, the candidate must file the completed petition with at least 150 verified signatures, SEL 338 Petition Submission—Candidate, Voters' Pamphlet, and the County's Summary Results of Verification with the City Recorder's Office, no later than the deadline.

D. Unless the candidate withdraws, the City Recorder certifies the candidate's name for the ballot and notifies the County Clerk.