



CITY OF

PORTLAND, OREGON

OFFICE OF THE CITY AUDITOR

Gary Blackmer, City Auditor

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MEMORANDUM

VIA EMAIL

Date: January 6, 2009

To: Mayor Sam Adams
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Randy Leonard
Commissioner Dan Saltzman

From: Andrew Carlstrom, City Elections Officer

Cc: Gary Blackmer, City Auditor
Diane Betcher, Chief Deputy Auditor
Linda Meng, City Attorney

Re: Vacancy in Office of City Auditor

Auditor Gary Blackmer submitted a letter of resignation today (attached). The purpose of this memo is to provide you with information related to filling the vacancy in the office of City Auditor.

Applicable Charter Section

A vacancy in the office of City Auditor occurring in 2009 falls under the provisions of City Charter Section 2-206(b):

If a vacancy occurs in an office elective under this Charter more than one hundred (100) days preceding the regular primary election to be held in the fourth year of the term of that office, but less than seventy-one (71) days preceding the regular general election to be held in that year, the Council, by a single resolution, shall call for two (2) special elections not more than forty-five (45) days apart. The first special election will be for the purpose of nomination. It shall be held not more than ninety (90) days after the vacancy occurs, unless the Council finds reasonable cause for delay beyond ninety (90) days. If one candidate receives a majority of the votes cast for the office, that candidate will be deemed elected to fill the unexpired term of the office and the second special election will not be held. If no candidate receives a majority, one of the two candidates receiving the highest number of votes cast in the first special election will be elected to fill the unexpired term in the second special election.

Council Resolution Setting Special Election Dates

The Auditor will file a resolution for next week's Council agenda, setting the two special election dates:

- Special Nominating Primary Election: May 19, 2009 (filing period ends March 10)
- Special Runoff Election: July 14, 2009

Timing of Special Elections

The first election date must be no more than 90 days after the effective date of the resignation. The next available regularly scheduled special election date after Auditor Blackmer's resignation date is May 19, 2009. The filing deadline for this election, per statute, is March 10. Should no single candidate receive a majority of votes cast, a runoff election would need to be held no later than 45 days later, or July 3, 2009. Since state statute requires at least 45 days for long term absentee (including military) ballots, the Council may extend this to 56 days, to Tuesday, July 14, 2009. In the vacancy created by the resignation of Commissioner Erik Sten in 2008, Council extended the time between the first and second elections to 56 days. In addition to the military ballot issue, an unextended date would have set the election date close to the Fourth of July.

Unexpired Term of Office

The current term of office for Auditor ends December 31, 2010. Filling of the vacancy will only be for the balance of the unexpired term. The office will still be on the May 18, 2010 primary election ballot.

Eligibility Requirements for City Auditor (City Charter Sections 2-202, 2-501)

- **U.S. Citizen**
- **Registered Voter**
- **Resident of the City of Portland or of an area which has become part of the City prior to filing the declaration of candidacy or petition for nomination, for a period of not less than one (1) year immediately preceding the nominating election**
- **At the time of filing a declaration of candidacy, or a nominating petition for the office of Auditor be a Certified Public Accountant, Certified Internal Auditor, or Certified Management Accountant**

Interim Auditor

In the period between May 19 and receipt of the abstract of votes (from either the May or July election, depending on whether a runoff is necessary), the Council may appoint an interim Auditor. City Charter Section 2-206(f) provides that:

If a vacancy occurs in the Office of the Auditor, the Council may fill the office by appointment pending election as provided therein.

Special Election Costs

For the special elections, the City will have to pay for apportioned costs, as the elections will not be regularly scheduled primary or general elections in an even-numbered year. The presence of existing special district elections (such as school districts) in odd-year May elections lowers the City's apportioned cost.

In the May 2007 special election, where the City had four charter amendment measures on the ballot, the City's apportioned cost was approximately \$84,000. Without knowing at this time how many jurisdictions will be on the May 2009 ballot, this number could be higher in May 2009 with a higher number of registered voters from the November 2008 general election registrations.

Should there be a special runoff election in July 2009, however, the City would pay for the entire cost of the election if no other jurisdictions would be on the ballot. In 2008, Multnomah County Elections Director estimated that the cost for a special election to be completely paid by the City would be between \$1.10 and \$1.15 per registered voter. At that time, the estimated a number of registered voters was 315,000. The range with this number of registered voters is \$346,500 to \$362,250. The number of registered voters on November 4, 2008 (general election date) was 352,041. The special election cost range for this number of registered voters would be between \$387,245 and \$404,847.

Special Elections and Public Financing

City Code Chapter 2.10 does not specify that public financing of candidates in special elections is optional. The Citizen Campaign Commission has yet to devise procedures for public financing in special election situations. Administrative Rule ADM-2.20, however, specifies that:

After the special election date has been set, the Auditor will establish a schedule for the administration of the Campaign Finance Fund program during the special election including:

- 1) Exploratory Period;**
- 2) Qualifying Period;**
- 3) Fund Distribution Schedule; and**
- 4) Reporting Schedule for Non-Participating Candidates and Independent Expenditures.**

When this situation arose in 2008 with Commissioner Sten's vacancy, both the Citizen Campaign Commission and City Council expressed reluctance at creating special election code and procedures without adequate study and determination.

Should the Council decide that public financing will apply, the Council would have to:

- Determine what the qualification process would be in the compressed time period;
- Determine the amount to be distributed to each Certified Candidate; and
- Approve a public financing schedule established by the Auditor.



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MEMORANDUM

To: Mayor Sam Adams
Commissioner Amanda Fritz
Commissioner Randy Leonard
Commissioner Dan Saltzman
Commissioner Nick Fish

cc: Andrew Carlstrom, Elections Officer

From: Gary Blackmer, City Auditor

Date: January 6, 2009

Subject: Announcement of resignation

BY _____

GARY BLACKMER, AUDITOR
CITY OF PORTLAND, OR

2009 JAN -6 A 9:25

RECEIVED

With this memo I am announcing my resignation as Portland City Auditor to be effective at 5:00 pm on May 18, 2009. I have accomplished a great deal in the past ten years, and it is time to leave.

Portland is a place and a government organization to be proud of, and the time is right for a new auditor to undertake the longer-term challenges facing the City, as I have always tried to do.