

ORDINANCE No. 1492

AN ORDINANCE relating to the election and terms of the City officials and to the designation of wards.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. For the purposes of municipal representation, the City of Albany is hereby divided into three wards designated and bounded as follows: Ward # 1, is hereby declared to include all that part of said city west of the center line of Broadalbin Street. Ward # 2, is hereby declared to include all that part of said City lying east of the eastern boundary of Ward # 1, to the center of Railroad Street. Ward # 3, is hereby declared to include all that portion of the City lying east of Ward # 2.

Section 2. The election of the officers of the City of Albany shall be held at the biennial election and under the conditions and system prescribed by the laws of the State of Oregon and administered and conducted by the officials therein designated.

Section 3. When no primary election has been held for the nomination of candidates for the various city offices, the candidates shall be nominated by petition as provided by the laws of the State of Oregon.

Section 4. Each person voting for city officials shall be a qualified elector of the State of Oregon and also must have resided in the City of Albany at least three months and in the ward not less than thirty days next preceding the election. The following officials shall be chosen at the biennial election for a term of two years: the mayor, the recorder, the treasurer, the marshal, and two aldermen from each ward.

Section 5. Each officer shall be a duly qualified elector and in addition must have resided in the city three months next preceding the election. To be eligible for office, each alderman must have the additional qualification of residence in the ward in which he is a candidate for a period of ninety days next preceding the election.

Section 6. On or before the second day after any city election, returns of said election shall be made to the recorder. On the fourth day after the returns are in, the recorder shall call the mayor to his assistance and they shall proceed to canvass the votes and report the results at the next regular meeting of the council. A written statement signed by the canvassers shall be made to the council, giving the whole number of votes cast, the number cast for each person for any office, the names of those elected, and to what office elected.

Section 7. After the votes are counted the recorder shall issue a certificate of election to each person elected, which certificate 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 thereto, shall determine such contest.

Section 8. In case of a contested election of either the mayor, recorder, treasurer, or marshal, the same shall be determined by the state law regulating contested elections of county officers.

Section 9. In case two or more candidates at any election shall receive an equal and the highest number of votes for one and the same office, the recorder shall notify them of the existence of the tie and advise them of the time and place of the next meeting of the council, when the case shall be decided by lot. The mayor and recorder shall certify the fact of the tie to the city council, and at the first regular meeting thereafter the clerks shall write the names of such candidates on separate pieces of paper and put them into a hat or box. They shall put into another hat or box the same number of pieces of paper, on one of which shall have been written the name of the office in question. After the hats or boxes are shaken by two aldermen, two other aldermen shall draw, in the presence of the others, one paper from one hat or box, and one from the other hat or box, and so on until the paper is drawn on which the name of the office is written. 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 10. 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 so to contest, addressed to said council, stating therein the points on which he will contest the same.

Section 11. The city council shall then appoint a committee to examine testimony and report thereon at some regular council meeting; provided, that if the points on which the contest is made are such that the committee deems 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 held. After concluding the hearing of testimony thereon the committee shall report the result to the council with a brief review of the testimony and the reasons for its decisions.

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Thereupon the contest shall be finally decided by a vote of the council, unless the council members themselves determine to examine the testimony before so deciding, which they may do by renewing the five days' notice to the parties interested.

Section 12. The residence of any voter under the terms of this ordinance shall be considered to be where his family resided, or in case he has no family, where he sleeps.

Section 13. Any person who shall wilfully vote at any city election illegally, e.g., not being a voter in this city, or who attempting to vote more than once at any city election, shall on conviction thereof before the city recorder be fined not less than \$50 nor more than \$100 and costs, in default of the payments of which he shall be committed to the city jail not to exceed thirty days.

Section 14. The term of an officer shall commence on the first Monday in January after the election, 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 elected officer shall terminate when his successor is elected and qualified. The term of office of any person appointed to an office shall begin on the day following such appointment. 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 his office considered vacant. The term of office of any appointed officer shall terminate when his successor is selected and qualified.

Section 15. Any officer elected or appointed under this ordinance, before entering upon the duties of his office, must take and file with the recorder the following oath of office: "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 therein, so help me God." If the person affirms, instead of the last clause the following must be taken: "and this I promise under the pains and penalties of perjury."

Passed by the common council January 10, 1940.

Signed and approved by the Mayor January 10, 1940.

A.G. Sanders
Mayor

ATTEST

[Signature]
Recorder of the City of Albany, Oregon.

STATE OF OREGON)
COUNTY OF LINN) ss.
CITY OF ALBANY)

I, K.R. Horton, Recorder of the City of Albany, Linn County, State of Oregon, do hereby certify that the foregoing copy of Ordinance # 1492, has been by me carefully compared with the original Ordinance Bill # 1611, now on file in this office, and further certify that same is a true and correct copy of the whole of said Ordinance Bill # 1611, as passed by the Council of the City of Albany, Oregon, on the 10th day of January, 1940, and approved by the Mayor on the 10th day of January, 1940.

Witness my hand and official signature and the seal of the City of Albany, Oregon, this 11th day of January 1940.

[Signature]
Recorder of the City of Albany, Oregon.