



**Portland  
City Auditor**  
Elections



February 15, 2024

William B. Aitchison  
1628 NW 32nd Ave.  
Portland, OR 97210

**Delivered Electronically**

wiaitchison@gmail.com  
anil@pslglawyers.com

**Notice of Determination  
Constitutional Requirements Met**  
Prospective Initiative Petition PDX24OL-02

Dear Chief Petitioner Aitchison:

On February 7, 2024, you filed a prospective initiative petition with the City Elections Office. As required by ORS 250.270(1) and City Code Section 2.04.055, I have determined that Prospective Initiative Petition ID PDX24OL-02, "Increases number of Portland Police patrol officers, enhances nonviolent response," meets the requirements of Article IV of the Oregon Constitution, section 1 (2)(d) and (5).

As you know, our Office determined that a related prospective petition that you filed on February 7, 2024, PDX24OL-01, "Strengthening Recruitment, Retention, Training, and Accountability for the Portland Police Bureau," did not meet the requirements of Article IV of the Oregon Constitution because certain sections of the prospective petition were administrative, and not legislative, in nature.

We find this petition to be a much closer call. In particular, Section 2-1101 (governing the number of patrol officers, and requiring what could be interpreted as a one-time increase in their numbers), and Section 2-1105 (requiring Council to issue an annual report, which is the type of activity that has historically been assigned to executive or administrative functions in the City), veer towards administrative, rather than legislative.

1221 SW 4th Avenue, Room 130  
Portland, OR 97204  
portland.gov/elections  
elections@portlandoregon.gov  
503-823-4022

Nonetheless, this Office construes elections laws liberally, and these provisions are not so clearly administrative as to result in the denial of this prospective petition.

Please note that this determination is a limited review of constitutional conformity and does not necessarily identify all potential constitutional difficulties that may preclude the proposed measure from proceeding.

### **Next Steps**

On February 15, 2024, the City Elections Office will deliver your prospective petition to the City Attorney's Office and request preparation of a ballot title. Under state law, the City Attorney's Office will be required to deliver a ballot title to the City Elections Office within 5 business days, or by February 23, 2024. After we have received the ballot title, our Office will reach out to you regarding next steps and the ballot title process.

### **Challenge Rights**

As provided in ORS 250.270(4), any elector dissatisfied with the current constitutionality determination may petition the circuit court of the judicial district in which the City is located for review within 7 business days of the City Attorney filing the ballot title with the City Elections Officer.

If you have any questions, please feel free to reach out to our Office.

Thank you,

A handwritten signature in black ink that reads "Louise Hansen". The signature is written in a cursive style with a large, looping initial "L".

Louise Hansen  
City Elections Officer