



P O R T L A N D  
CITY AUDITOR  
**Elections**

December 16, 2020

Gregory A. Horner  
7040 SW Terwilliger Blvd  
Portland, OR 97219

**DELIVERED BY CERTIFIED MAIL**  
(Return Receipt Requested)  
*and*  
**DELIVERED ELECTRONICALLY**  
(gregory.h.lee@gmail.com)

**CONSTITUTIONALITY REVIEW DETERMINATION**

City of Portland Prospective Initiative Petition  
2020-PDX01: "Portland Council Reformation"  
*- Notice of Insufficiency -*

Dear Chief Petitioner Horner:

On December 9, 2020, you filed a prospective initiative petition with the City Elections Office. As required by ORS 250.270 and City Code Section 2.04.055, I have determined Prospective Initiative Petition ID 2020-PDX01, "Portland Council Reformation," (hereinafter 2020-PDX01) does not meet the requirements of Article IV of the Oregon Constitution, section 1 (2)(d), for the following reasons:

1. **Failure to Include Full Text of Proposed Regulation.**

Article IV, section 1 (2)(d) requires that voters presented with a ballot measure must be provided with the full text of the statute as it would appear if amended. Here, 2020-PDX01 proposes brand new sections to the City Charter and amendments to existing sections of the City Charter. However, 2020-PDX01 does not clearly set out the changes to existing law that it proposes to make. Without the context of the present state of the law and how that law would be modified by passage of 2020-PDX01, registered voters cannot fully understand the potential impacts of the proposed measure. As a result, 2020-PDX01 does not comply with the full text requirement of Oregon Constitution Article IV.

2. **Failure to Embrace One Subject Only.**

Article IV, section 1 (2)(d) requires that a proposed law "shall embrace one subject only and matters properly connected therewith." A two-part framework governs the determination of whether a proposed law comports with the single-subject requirement. First, is there a unifying principle logically connecting all provisions in the measure? Second, if a unifying principle exists, are other matters in the proposed law properly connected to the unifying principle? Here, 2020-PDX01 seeks to, most relevantly:



- Increase the number of City Council members.
- Require mandatory town hall meetings, in addition to weekly Council meetings.
- Change Council voting requirements.
- Change Council member qualifications.
- Change the management structure of internal bureaus.
- Change term durations of City Council members.
- Change frequency of elections.
- Change at-large elections to district elections.
- Change the voting system from a simple majority to ranked-choice voting.
- Create elective council districts and a district map.

2020-PDX01 does not comply with the first part of the single-subject analytic framework because it seeks to amend multiple provisions of the City Charter, and not all the amendments are connected by a single unifying purpose. For example, changing the operations of City Council is not logically connected to changing the voting system for all elected City officials. Having identified one or more violations of the first part of the analytic framework, we stop our analysis there and determine that 2020-PDX01 does not comply with the single subject requirement of Oregon Constitution Article IV.

Please Note: This determination is a limited review of constitutional conformity and it does not necessarily identify all potential constitutional difficulties that would preclude the proposed measure from proceeding.

**Challenge Rights:** As provided in ORS 250.270(4), any elector dissatisfied with the current constitutionality determination may petition the Multnomah County Circuit Court for review within seven (7) business days.

Sincerely,

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

Louise Hansen  
City Elections Officer