



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

July 12, 2022

Mr. Steve Elzinga  
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Via email:  
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This letter is in response to your July 8, 2022, request on behalf of the Portland Business Alliance that the Auditor's Office conduct a constitutional review of the ballot measure proposed by the Charter Commission. I am declining to conduct a review in this case because City Code does not include such a review for Charter Commission measures as it does for initiative-petition measures.

Portland City Code 2.04.055 and ORS 250.270 require the Elections Officer to determine whether a prospective petition meets Oregon's constitutional requirements. A prospective petition is filed by a chief petitioner prior to circulation for signatures. A Charter Commission proposed measure is not an initiative petition and does not require signatures. Portland City Code 2.04.110 governs the process for bringing a Charter Commission measure to the voters and requires neither a prospective petition nor a constitutional review. Instead, it states that the Auditor's Office "shall" file the Charter Commission measure to be placed on the ballot.

The constitutional review in 2020-PDX01, which you referenced in your request, was of a prospective initiative petition, not a measure proposed by the Charter Commission. Prior City decisions regarding measures referred by City Council or a Charter Commission did not undergo a constitutional review by the Auditor's Office.

For these reasons, I decline to conduct a constitutional review of the measure proposed by the Charter Commission.

Sincerely,

City Auditor of Portland

