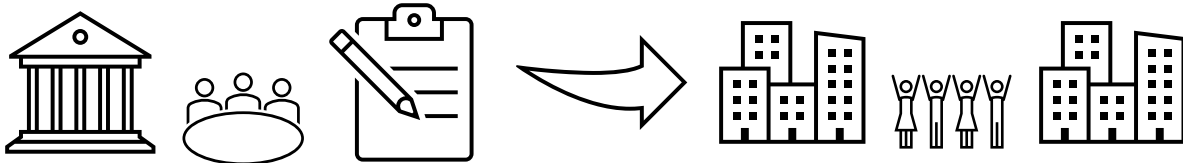


City of Portland Guide to City-Referred Measures 2024



City employee guidelines and basics

This guide is intended for City employees involved in the City's process to refer a measure in 2024 to voters at an upcoming election. The current process requires a majority vote of Council and documents that must be planned several weeks ahead of the Council date. Referring a measure to the ballot involves multiple City offices, planning, preparation, and detail. Changes to this process are anticipated in 2025 as part of changes to Portland's form of government.

City employees are responsible for understanding and complying with the City's Charter, Code, and Administrative Rules as well as all relevant laws and requirements. Although every effort has been made to present clear and accurate information herein, the applicable state or local law, and not this guide, are official references. If any information in this guide conflicts with any legal authority, the relevant legal authority should be followed. Portland City Council may refer the following measures to the ballot generally by resolution:

- **Charter Amendments** (changes to the City Charter): *always* requires a vote of the people
- **Money Measures** (measures impacting property taxes, including bond measures and operating levies)
- **Other Measures** (when Council desires a public vote for political reasons)
- **Advisory Questions** (questions in areas in which City Council would like the public's input or advice)

Important Note: Please notify the City Elections Office of plans to propose a measure to Council for referral to the voters. Advance notification helps ensure steps have been completed and prepare for important deadlines for ballot certification.

Questions or clarification should be directed to the City Elections Office at elections@portlandoregon.gov.

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Step 1: Review schedule of dates and deadlines

Refer to the 2024 schedule below and **confirm deadlines in advance with the Council Clerk’s Office** (email councilclerk@portlandoregon.gov or call 503-823-4082) to ensure your efforts fit within the established timelines. There are numerous rules, regulations, and filing deadlines that govern the timing of City-referred measures.

Important Note: Please contact Council Clerk for 2025-2026 dates, as new Code changes will take effect on January 1, 2025, and future dates may be subject to change.

For more information on the deadlines listed in the table, see the descriptions included after the table.

2024 Election Dates and Deadlines Money Measures AND Non-Money Measures				
Council Filing Deadline	Council Hearing	TSCC Filing for Money Measures	Elections Office Certification to County	Election Date
12 PM Tuesday the Week Before Council Hearing (City Code Subsection 3.02.030 A.)	Last meeting Before Recommended Deadline (City Code Section 3.02.010)	30 Days Before County Deadline (ORS 294.655)	61 st Day Prior to Election (ORS 254.095)	(ORS 255.345)
5/7/24 7/16/24	5/16/24 7/24/24	5/28/24 8/6/24	6/27/24 9/5/24	8/27/24 11/5/24

Council Filing

The City Elections Office strongly recommends resolutions referring measures to the ballot are filed for Council approval **at least six weeks** before the deadline listed in the “Elections Office Certification to County” column in the table above. The six-week period allows time for consideration by Council, the seven business-day ballot title challenge period required by state law, possible court action on a challenge to the ballot title, preparation of documents, and emergencies. The “Elections Office Certification to

County” date is the deadline set by state law for the City to certify items to the ballot by filing a statement with the County.

Council Hearing

Measures that must be filed with the Tax Supervision and Conservation Commission (TSCC) should have ballot resolutions approved by Council before filing with the TSCC. Although in this guide, Money Measures and Non-Money Measures have similar timelines, Money Measures have less flexibility due to the public hearing notification and TSCC filing requirement.

Tax Supervision and Conservation Commission (TSCC) Filing

At least **91 days** before an election, City Money Measures, including bond issues and tax levies, must be submitted to the TSCC for a hearing. For more information on timing and TSCC filing requirements, see [Step 4: File with the TSCC \(if applicable\)](#).

County Filing

The City Elections Office files a statement certifying the item to the ballot with the County within **61 days** before an election.

Election Dates

Elections in Even-Numbered Years fall on Tuesdays.

- Statewide Primary Election: Third Tuesday in May
- Statewide General Election: First Tuesday after the first Monday in November
- Special Elections: All elections that do not fall on the May or November even-year statewide election dates are considered “special elections” and must be paid for by the City. For more information on estimating the potential cost for a special election, see the section [Information on estimating election costs](#). Special elections may be held on the following dates:
 - March Special Election: Second Tuesday of the month
 - May Special Election: Third Tuesday of the month
 - August Special Election: Fourth Tuesday of the month
 - November Special Election: First Tuesday after the first Monday of the month

Step 2: Preparation of ballot title, explanatory statement, and resolution

Submit requests for document preparation

Although assistance with ballot title, explanatory statement, and resolution preparation by the City Attorney is optional, it is strongly recommended to meet state law requirements and help ensure certification to the ballot.

Elected Official, Council, or Committee of the Council

Submit request to the City Attorney's Office prepare a ballot title, explanatory statement, and resolution for submission to Council.

Time for City Attorney to Complete

Five business days after receiving the request unless a longer time is specified by the Council, committee of the Council, or elected official.

Resolutions

Resolutions to Council should include:

- Text of the proposed Charter or Code amendments, if any.
- New sections should be underlined.
- Sections to be deleted should be ~~struck out~~.
- Text can be included in the resolution or attached to it as an exhibit.
- Ballot title should be included as an exhibit.
- Explanatory statement should be included as an exhibit.

Explanatory Statements

Explanatory statement requirements are included under OAR 165-022-040 (Filing Explanatory Statements). These statements must meet the following:

- No more than 500 words
- Impartial, simple, and understandable
- Explain the measure and its effect
- The City Elections Office also requires the words, "Submitted by" and then the following:
 - Name of a person (such as a City attorney) or persons (such as the entire Council) responsible for the content of the statement
 - Name of the governing body the signing person(s) represent(s)
 - Note:

- If the “submitted by” information is included, the City Elections Office will fill and submit the SEL 802 Form to the County (see next step).
- If “submitted by” information is not included in the explanatory statement, the sponsoring elected official may be required to fill and sign the [Notice of Measure Election \(SEL 802 Form\)](#) and submit it to the City Elections Office in time to be filed with the County. See [Step 8: Notice of Measure Election form and Statement of Qualifying Measures filed with County](#).

Ballot Titles

Ballot title requirements are set out in ORS 250.035 (Form of Ballot Titles for State and Local Measures) and must include:

- Caption
 - No more than 10 words
 - Reasonably identifies the subject of the measure
- Question
 - Not more than 20 words
 - Plainly phrases the chief purpose of the measure
 - Phrased so that an affirmative response to the question corresponds to an affirmative vote on the measure
- Statement
 - Not more than 175 words
 - Concise and impartial
 - Summarizes the measure and its major effect

Ballot Title Additional Requirements for Money Measures

Additional ballot title requirements apply to money measures as follows:

- Certain tax measures and bonds repaid by property taxes require specific statements to be included in the ballot title. The Auditor’s Office confirms the presence of the required statements.
- Required statements do not count towards the word limit of the ballot title.
- **Note: Please consult with the City Attorney’s Office to make sure all required statements are included in the ballot title.**

Required language in measures for local option taxes

- When imposing a new local option tax, the following statement must be included in the ballot title: *“This measure may cause property taxes to increase more than three*

percent." ORS 280.070(4)(a) (Manner of Holding Elections for Local Option Tax or Permanent Rate Limit).

- When authorizing the renewal of a current local option tax, the following statement must be included in the ballot title: *"This measure renews current local option taxes."* ORS 280.070(4)(b) (Manner of Holding Elections for Local Option Tax or Permanent Rate Limit).

Required language in measures for bonds repaid by property taxes and not subject to Measure 5

- Ballot title must include the following statement: *"If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of Section 11b, Article XI of the Oregon Constitution."* ORS 250.037(1) (Form of Ballot Title for Measure Requesting Approval of Certain Bonds).

Money measures intended for March or September Special Elections

- Measures that fall under requirements of Article XI, Section 11 (8) of the Oregon Constitution (for example, relating to property taxes and levy measures), and not excepted by Article XI, Section 11k, will be adopted only if they receive an affirmative majority of the total number of votes and at least 50 percent of registered voters of the city cast a ballot. Measures voted on in a May or November election of any year are not subject to the requirements of Article XI, Section 11 (8) Please contact the City Attorney's Office with questions.
- For those measures with Oregon Constitution Article XI, Section 11 (8) requirements, the ballot title must include the following statement: *"This measure may be passed only at an election with at least a 50 percent voter turnout."* ORS 250.036(1) (Form of Ballot Title for Measure Subject to Article XI, Section 11 (8), of Oregon Constitution).
- **Important Note: Please consult the City Attorney's Office to determine if a proposed measure is subject to the voter turnout requirement.**

Step 3: File resolution for the City Council agenda

Elected Official or Committee of the Council

Visit the [Council Clerk Resources](#) webpage for information about agenda filing deadlines and how to draft and submit a resolution for the Council agenda. Contact the Council Clerk's Office at councilclerk@portlandoregon.gov with any questions.

Use the schedule of deadlines in [Step 1: Review schedule of dates and deadlines](#)

to ensure your resolution is heard by Council with sufficient time to comply with City and State election requirements.

Step 4: File with the TSCC (if applicable)

Measures subject to TSCC filing and public hearings

Some City money measures, including special tax levies and bond issues, must be submitted to the [Tax Supervising and Conservation Commission \(TSCC\)](#) for a public hearing. TSCC Commissioners will review the proposed money measure and write a summary. At the hearing, TSCC Commissioners ask questions on behalf of the public and invite public testimony.

Information on measures involving taxes

- Measures that levy property taxes must go through the TSCC process.
- Income tax measures, such as the Arts Tax, do not have to go through the TSCC process.
- Tax levies may go on any of the four special election dates as well as the primary and general elections. ORS 221.230(1)–(2) (Election Dates).
- There may be up to four tax levies in a year. ORS 280.090 (Submission of Several Proposals to Impose Local Option Taxes).

Important Note: It is prudent to err on the side of submitting measures to TSCC, especially after Measure 5 raised questions on what constitutes a tax levy. We strongly recommend contacting the City Attorney’s Office where there is any doubt.

TSCC Contact Information

TSCC Website: <https://www.tscmultco.com/>

TSCC Email: allegra.willhite@multco.us

TSCC Phone Number: (503) 988-3054

Timing for filing with the TSCC

Filing with the TSCC must occur at least **30 days** before the City’s deadline to certify measures to the County. ORS 294.655 (Hearing on Special Tax Levies and Bond Issues Proposed for Elector Approval).

Stated another way, the deadline for submitting measures to the TSCC is **91 days** before the election (30 days to file with TSCC before county certification + 61 days to file county certification before the election).

It is the responsibility of the measure proponent (elected official or City employee leading measure efforts) to ensure the resolution is timely submitted to the TSCC, even though submission is usually completed by the City Attorney's Office in conjunction with the City Budget Office. **If issues arise with meeting the TSCC deadline, the TSCC encourages you contact allegra.willhite@multco.us to explore options.**

City Office filing obligations

File ballot resolutions with City Council before filing with the TSCC (per Auditor's Office policy). Make sure both filings happen before the filing TSCC deadline.

File with City Council

Resolution, including resolution language, pertinent exhibits, and an impact statement. Contact councilclerk@portlandoregon.gov for additional details and guidance.

File with TSCC

The following is a process overview including information on necessary items (as of publication date of this guide):

- **Initial Written Notice:** File an initial written notice (email is sufficient) with the TSCC, including an explanatory proposal on what type of money measure is being sought and the reasons for seeking the money measure.
- **Hearing Date:** The TSCC will then work with the district seeking the money measure to select a hearing date that allows sufficient time for the public to consider the measure.
- **Additional Information:** In preparation for the hearing, the TSCC may request additional details and information from the City such as the resolution, ballot title, budget information, complete financial plan, or revenue forecasts.
- **TSCC Review:** The TSCC will prepare an in-depth report on the resolution, including applicable historic context and budget information.
- **Hearing Questions:** The TSCC will prepare questions for the City in advance of the hearing. The City will sometimes have the option to submit answers in writing. The public is also invited to ask additional questions at the hearing.

File with City Elections Office

Correspondence with the TSCC confirming the scheduling of a TSCC hearing. The correspondence will be added to the official elections file.

Step 5: Contact City Elections Office when resolution passes

The City Office should notify the City Elections Officer as soon as the ballot resolution is passed by City Council by emailing elections@portlandoregon.gov with the following information:

- Date City Council adopted the resolution to refer the measure to the ballot
- Resolution
- Ballot title
- Explanatory Statement

Step 6: Notice of ballot title challenge period published

The Auditor publishes an ad in *The Oregonian* with the following information:

- **Language:** Ballot title language only (caption, question, and summary), not the complete text of the measure.
- **Election Date:** Intended election date for the measure.
- **Challenge Period:** Electors (registered voters) have **seven business days** from the date of receipt of the ballot title by the Auditor to legally challenge the ballot title in municipal court. ORS 250.275 (Preparation of Ballot Titles for Certain City Measures).

Step 7: Ballot title challenge period

When no ballot title challenge is filed

If the seven-day ballot title challenge period passes with no challenges filed in circuit court, the measure can move on to the next step in the process.

When a ballot title challenge is filed

In the event of a legal challenge to the ballot title, Multnomah County Circuit Court will:

- Decide the original language of the ballot title should stand, or
- Rewrite portions of the title.
 - If the Circuit Court determines portions must be rewritten, it will hold a hearing to determine the final wording of the ballot title.

The Circuit Court's order is the final order on the ballot title and cannot be appealed.

For a full explanation on the ballot title challenge process, please see the [Oregon Secretary of State's County, City and District Referral Manual](#) (p. 10–11).

Step 8: Notice of Measure Election form and Statement of Qualifying Measures filed with County

Once the ballot title challenge process has been successfully completed, the Auditor's Office will inform the County that a measure has qualified to the ballot by referring the measure to the County by submitting the [Notice of Measure Election \(SEL 802 Form\)](#), which includes the ballot title language (caption, question, and summary) and the explanatory statement, but does not include the complete text of the measure. If the explanatory statement submitted to the City Elections Office does not include "submitted by" information, the sponsoring elected official may be required to fill out and sign the [Notice of Measure Election \(SEL 802 Form\)](#) and submit it to the City Elections Office before the measure can be filed with the County by the statutory deadline.

After receiving the [Notice of Measure Election \(SEL 802 Form\)](#), the County assigns a number to each measure and posts it prominently on the [Multnomah County Elections Division](#) website. (From this site, click on the relevant election, then click on the "Ballot Measure Filings and Measure Referrals (City & Special Districts)" link. This link typically appears under the "What's on the Ballot" portion of the webpage.)

The City files a Statement of Qualifying Measures with the County within at least **61 days** before the election. ORS 254.095 (City Elections Officers' Statements of Offices, Candidates and Measures).

Step 9: THE ELECTION!

Portland City voters vote “yes” or “no” on whether to adopt the proposed measure.

Step 10: Election results report delivered to Council

The Auditor’s Office reports official election results to Council within 12 business days of receiving the voting abstract from the County Elections Division. As required by City Code, if a measure receives a majority of votes, the Council President creates a proclamation for the Council agenda (and optional reading at Council) to mark its passage and state the effective date. Through 2024, this function is completed by the Mayor’s Office. Unless otherwise specified in the measure, the effective date is the date the Auditor certifies the election results to City Council.

Certain fiscal measures voted on in August or March Special Elections have additional requirements for voter turnout. Please contact the City Attorney's Office with questions and see Oregon Constitution, Article XI, Section 11(8).

Information on estimating election costs

Primary and General Elections

These are the elections that occur in May and November of even-numbered years.

- The City does not pay for regularly scheduled statewide primary and general election costs

Special Elections

These are any elections aside from the biennial primary and general elections, including *any* elections in odd-numbered years.

- The City is responsible for paying its share of election costs, based upon the City's portion of measures or candidates that appear on a Special Election ballot
- Generally, City costs connected to any Special Election ballot measures are charged to the City fund most directly affected or associated with the measure, as identified by City Council. See [Administrative Rule ADM-2.01 – Payment of Special Election Costs](#)
- **Important Note: If only City measures are on a special election ballot, the City will incur the entire cost of the election.**

Estimating the Cost of a Special Election

If the City is the *only* jurisdiction on a special election ballot, the **estimated cost to the City is \$475,000 - \$545,000** (*approximately* \$1.15 per ballot)

Cost Factors

Many factors influence the cost of elections. Estimating the cost of an election is always a difficult task due to the number of unknown factors involved. A few of the largest factors include:

- **Voter Turnout:** Impacts staff costs and resources for processing returned ballots
- **Number of Items on the Ballot:** Impacts ballot space used and costs split with other jurisdictions including items on the same ballot
- **Amount of Ballot Space Items Take Up:** Impacts paper and postage costs
- **Timing:** Influences the ability to share the ballot and costs with other jurisdictions
- **Number and Size of Jurisdictions on a Special Election Ballot:** When multiple jurisdictions are represented on a special election ballot, costs are apportioned by both the number of jurisdictions and the number of registered voters within each jurisdiction.
- **Oregonian Publication Cost:** The Oregonian charges the City an additional cost to publish and circulate ballot title and challenge period information. Circulation costs the City approximately \$700 per notification.

Costs allocated to City of Portland for past Special Elections

Included below are costs related to past special elections and factors influencing the ultimate cost of the special election allocated to the City of Portland.

May 2023 Special Election Cost: \$78,322

- Multnomah County cost: \$78,062
- Clackamas County cost: \$83
- Washington County cost: \$177
- Number of City-referred measures on ballot: 1
- Factors that decreased costs:
 - A large number of special districts had items on the ballot
 - Portland Public Schools had an item on the ballot
 - Multnomah County had two items on the ballot
 - City of Gresham had an item on the ballot

August 2020 Special Election Cost: \$492,155

- Multnomah County cost: \$491,154
- Clackamas County cost: \$321
- Washington County cost: \$680
- Special Run-Off Election for Commissioner No. 2 due to vacancy
- No other candidates, measures, or jurisdictions appeared on the ballot
- Cost increases occurred due to COVID-19 pandemic accommodations

November 2019 Special Election Cost: \$284,469

- Multnomah County cost: \$282,034
- Clackamas County cost: \$443
- Washington County cost: \$1,992
- Number of City-referred measures on ballot: 2
- Factors that decreased costs:
 - Metro (larger district) had an item on the ballot
 - Portland Public Schools also had an item on the ballot

May 2017 Special Election Cost: \$107,201

- Multnomah County cost: \$106, 868
- Clackamas County cost: \$101
- Washington County cost: \$232
- Number of City-referred measures on ballot: 2
- Factors that decreased costs:
 - Portland Public Schools also had a measure on the ballot
 - Other smaller jurisdictions or districts were included on the ballot