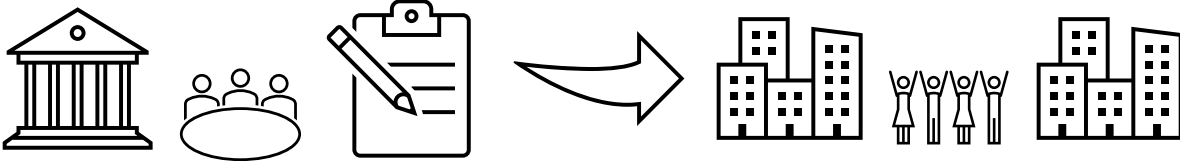




P O R T L A N D
CITY AUDITOR
Elections

City of Portland Guide to City-Referred Measures



2022 to 2023

City of Portland
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(503) 865-6503
www.portland.gov/elections



Updated 2.16.22

City-Referred Measures: Guidelines and Process

THE BASICS

Portland City Council may refer the following measures to the ballot:

- **Charter Amendments** (structural changes made to the City Charter): *always* requires a vote of the people
- **Ordinances or Resolutions** (legislative changes where City Council desires public input by putting the ordinance or resolution to a public vote)
- **Money Measures** (bond measures, operating levies, or other types of measures with fiscal impacts)
- **General Questions** (advisory questions in areas in which City Council would like the public's input or advice)

City Code provides for City Council or an elected official to request the City Attorney prepare a ballot title and resolution for City Council's consideration. The elected official in charge then places the resolution on the City Council agenda. If City Council passes the resolution, the Auditor's Office places the measure on the intended election ballot.



Some measures may require an ordinance rather than a resolution.
Please consult the City Attorney's Office for guidance in this area.

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1**Step One – Review Schedule of Dates and Deadlines**

Refer to the schedule below and **confirm deadlines in advance with 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.

| 2021 to 2023 “Money Measures” AND “Non-Money Measures” Election Dates and Deadlines | | | | |
|--|---|--|--|---------------------------------------|
| Council Filing | Council Hearing | TSCC Filing for Money Measures | Certification to County | Election Date (ORS 255.345) |
| 12 PM Tuesday the Week Before Council Hearing (City Code Section 3.02.030 A.) | Last meeting Occurring Before Recommended Deadline (City Code Section 3.02.010) | 30 Days Before County Deadline (ORS 294.655) | 61st Day Prior to Election (ORS 254.095) | |
| 7/13/21 | 7/22/21 | 8/3/21 | 9/2/21 | 11/2/21 |
| 11/16/21 | 11/24/21 | 12/7/21 | 1/6/22 | 3/8/22 |
| 1/25/22 | 2/3/22 | 2/15/22 | 3/17/22 | 5/17/22 |
| 5/10/22 | 5/19/22 | 5/24/22 | 6/23/22 | 8/23/22 |
| 7/19/22 | 7/28/22 | 8/9/22 | 9/8/22 | 11/8/22 |
| 11/22/22 | 12/1/22 | 12/13/22 | 1/12/23 | 3/14/23 |
| 1/24/23 | 2/2/23 | 2/14/23 | 3/16/23 | 5/16/23 |
| 5/9/23 | 5/18/23 | 5/23/23 | 6/22/23 | 8/22/23 |
| 7/18/23 | 7/27/23 | 8/8/23 | 9/7/23 | 11/7/23 |

See the following page for more information on the dates listed in the table above:

- Council Filing
Resolutions or ordinances referring measures to City Council should be filed **at least six weeks** before the statement to the County is due. This allows time for consideration by Council, the seven business-day challenge period required by state law, possible court action on a challenge to the ballot title, preparation of documents, and emergencies.
- Council Hearing
Measures that must be filed with the Tax Supervision and Conservation Commission (TSCC) should be heard by Council before filing with the TSCC. Although “Money Measures” and “Non-Money Measures” have similar timelines, “Money Measures” have less flexibility due to the 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 TSCC \(if Applicable\)](#).
- County Filing
The City Elections Office files the statement to the County within **61 days** before an intended election.
- Election Dates
 - Elections in Even-Numbered Years: Fall on Tuesdays**
 - Statewide Primary Election: Third Tuesday of 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 local jurisdictions. 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
 - For more information on estimating the potential cost for a special election, see the section [Information on Estimating Election Costs](#).

2 Step Two – Request Ballot Title Preparation from City Attorney

ELECTED OFFICIAL or BUREAU (or appropriate staff): request the City Attorney’s Office prepare a ballot title and resolution for submission to Council. Although assistance with ballot title and resolution preparation by a City attorney is optional, it is recommended.

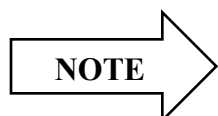
 **Time for City Attorney to Complete:** Five business days after receiving the request unless a longer time is specified by Council or elected official.


Resolutions to Council should include:

- Text of the 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.

\$\$\$ MONEY MEASURE NOTICE: Additional Ballot Title Requirements \$\$\$

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.

 **NOTE** Please consult with the City Attorney’s Office to make sure all required statements are included in the ballot title.

 **NOTE** Required statements do not count towards the word limit of the ballot explanation.

- Measures for local option taxes:
 - When imposing a new local option tax, the following statement must be included: *“This measure may cause property taxes to increase more than three percent.”* ORS 280.070(4)(a).
 - When authorizing the renewal of a current local option tax, the following statement must be included: *“This measure renews current local option taxes.”* ORS 280.070(4)(b).

- Ballot titles for bonds repaid by property taxes and not subject to Measure 5:
 - 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).

- Money measures requiring minimum voter turnout
 - Certain money measures may be authorized only if at least **50 percent** of registered eligible voters cast a ballot, unless the election is held in May or November. Oregon Constitution, Article XI, Section 11(8).
 - For those measures with this requirement that will not be on a ballot in May or November, 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).



Please consult the City Attorney's Office to determine if a proposed measure is subject to the voting requirement.

3 **Step Three – Place the Resolution on the City Council Agenda**

ELECTED OFFICIAL or BUREAU: contact the Council Clerk’s Office (call (503)823-4082 or email councilclerk@portlandoregon.gov) to verify correct filing dates and for any questions on the process to place the resolution on the City Council agenda.



Use the schedule of deadlines in **Step 1** to ensure your resolution is heard by Council with sufficient time to comply with City and State election requirements.

4 **Step Four – File with the TSCC (If Applicable)**

Some City money measures, including special tax levies and bond issues, must be submitted to the Tax Supervising and Conservation Commission (TSCC) for a hearing. TSCC Commissioners 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.

TSCC Website: <https://www.tscmultco.com/>
 TSCC Email: allegra.willhite@multco.us
 TSCC Phone Number: (503)988-3054



It is prudent to submit any revenue-raising measures to the TSCC, especially after Measure 5 raised questions on what constitutes a tax levy



Filing with the TSCC must occur at least **30 days** before the City's deadline to certify measures to the County. ORS 294.655.



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 **ELECTED OFFICIAL or BUREAU** 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.**

ELECTED OFFICIAL or BUREAU:

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@portlandoreogn.gov for additional details and guidance.
- Overview of TSCC Process and Necessary Items:
 - **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 bureau such as the resolution, ballot title, budget information, complete financial plan, 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 bureau in advance of the hearing. Bureaus 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.

- **More on measures involving taxes:**
 - Income tax measures, such as the Arts Tax, do not have to go through the TSCC process.
 - Measures that levy property taxes must 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).
 - There may be up to four tax levies in a year. ORS 280.090.

5 Step Five – Publication of Ballot Title and Challenge Period



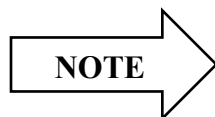
The Auditor publishes an ad in *The Oregonian* with the following information:

- Language: The ballot title language only (caption, question, and summary), not the complete text of the measure
- Election Date: The intended election date for the measure
- Challenge Period: That electors have **seven business days** from the date of receipt by the Auditor to legally challenge the ballot title. ORS 250.275



In the Event of a Legal Challenge to the Ballot Title...

- Multnomah County Circuit Court will either:
 - 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. 12).

6 Step Six – File Notice of Measure Election Form

Once the ballot title challenge process has been successfully completed, the City official sponsoring the measure will need to sign and file the [Notice of Measure Election \(SEL 802 Form\)](#) with the City Elections Office.

7**Step Seven – Statement of Qualifying Measures Sent to County**

The Auditor’s Office sends the County a statement that includes all measures that qualify for the ballot. The statement contains the ballot title language (caption, question, and summary) for each qualifying measure, but does not include the complete text of the measure.



The statement is sent following the ballot title challenge period and at least **61 days** before the election.

After receiving the statement, the County assigns a number to each measure and posts it prominently on the [Multnomah County Elections Division](#) website.

8**Step Eight – Submit Explanatory Statement for Voters’ Pamphlet**

SPONSORING ELECTED OFFICIAL or BUREAU: submit the measure’s explanatory statement to the City Election’s Office to include in the voters’ pamphlet.



Explanatory statements must be submitted at least **61 days** before the election to be included in the voters’ pamphlet along with the ballot title.

Explanatory statements must include:

- No more than 500 words
- Completely typed
- Signature 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 represents

9**Step Nine – THE ELECTION!**

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

10**Step Ten – Election Results Report Delivered to Council**

The Auditor’s Office reports official election results to Council within **30 days** following the election. As required by City Code, if a measure receives a majority of votes, the Mayor’s Office creates a proclamation for the Council agenda (and optional reading at Council) to mark its passage and state the effective date. The effective date is upon the reading or passage of the proclamation and elections report, unless otherwise stated in the measure.

\$\$\$ MONEY MEASURE NOTICE: Minimum Voter Turnout Requirement \$\$\$

Certain money measures may be authorized only if at least **50 percent** of registered eligible voters cast a ballot, unless the election is held in May or November. Oregon Constitution, Article XI, Section 11(8).



Information on Estimating Election Costs



Biennial Primary and General Elections

- These are the elections that occur in May and November of even-numbered years
- The City does not pay for these 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](#)

**If only City measures or City candidates 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 a \$475,00 - \$530,00 (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 are:

- **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 \$525 per ballot measure. Special elections have typically included about two City ballot measures per election.

Costs Allocated to City of Portland for Past Special Elections

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

May 2013 Special Election Cost: \$157,183

- Multnomah County cost: \$156,974
- Clackamas County cost: \$0
- Washington County cost: \$209
- Number of City-referred measures on ballot: 2
- Factors that decreased costs:
 - Metro (larger district) had an item on the ballot
 - Some other smaller districts also had items on the ballot