

MEASURE EXPLANATORY STATEMENT

Required for all Measures Submitted with Multnomah County Elections

ELECTION DATE <p style="text-align: center;">May 15, 2012</p>	MEASURE NUMBER
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BALLOT TITLE CAPTION <p style="text-align: center;">Amends Charter by deleting unenforceable obscenity provisions</p>
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NAME OF PERSON RESPONSIBLE FOR CONTENT OF STATEMENT <p style="text-align: center;">City Attorney James H. Van Dyke</p>

NAME OF JURISDICTION PERSON REPRESENTS <p style="text-align: center;">City of Portland</p>

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Please use space below or attach text on a separate sheet of paper.

This measure amends the Portland City Charter. Charter Section 2-105(a)(50) currently states that the City has the power to define what materials are obscene, to prohibit distribution and to punish persons who distribute such materials. Prohibiting obscenity has been foreclosed by the Oregon Supreme Court's interpretation of Article I, Section 8 of the Oregon Constitution. This measure would delete Section 2-105(a)(50) to make the Charter consistent with the Oregon Constitution. Deletion of this section of the City's specific powers would not impair the City's general powers and authority to protect and provide support for the City's public health and safety.

The Charter Commission referred this measure to the voters. The City's Charter Commission reviewed the Charter and identified parts of the Charter that the Commission determined are outdated, unenforceable or offensive, including Charter Section 2-105(a)(50). This section can be deleted without changing City government structure or operations.

WORD/NUMBER COUNT TOTAL (500 word/number limit) _____

SIGNATURE OF PERSON RESPONSIBLE FOR CONTENT OF STATEMENT

DATE