

**General Steps in Charter Referring Amendments to Voters**

*Option One: Amendment receives at least 15 affirmative votes*

1. At least 15 Commission members cast an affirmative vote for a Charter amendment.
2. Commission presents recommendations to City Council.
3. A public hearing process occurs as prescribed by the Council.
4. Amendment is submitted to voters on the next primary or general election that occurs 120 days after the Commission presented to City Council.

*Option Two: Amendment receives a majority but less than least 15 affirmative votes*

1. At least 10 Commission members cast an affirmative vote for a Charter amendment.
2. Commission presents recommendations to City Council.
3. Commission conducts a public hearing process as prescribed by the Council.
4. Council may, but is not required to, refer such proposed amendments to the voters.
5. Council may adopt a resolution to place the amendment on the ballot.

**Deadlines**

- Charter Commission recommendations cannot appear on the ballot sooner than 120 days before the recommendations were presented to Council.
- City referred measures must be filed with the County 61 days prior to election date.
- Before filing with the County, the City Attorney is allowed 5 business days to prepare the ballot title. After preparing the ballot title, the City Elections Officer publishes the ballot title in the Oregonian. Before filing the measure with the County, there is a challenge period of the ballot title (7 business days).

Outlined below are the deadlines for the 2011 primary and 2012 primary and general elections.

**Option One:**

	Date Requirement	Election Dates		
		11/8/2011	5/15/2012	11/6/2012
<i>Deadline for Commission to present recommendations to Council</i>	120 days before election	7/11/2011	1/16/2012	7/9/2012
<i>Deadline to file statement of city referral</i>	61st day before election	9/8/2011	3/15/2012	9/6/2012
<i>Deadline to file explanatory statement</i>	61st day before election	9/8/2011	3/15/2012	9/6/2012

**Option Two:**

	Date Requirement	Election Dates		
		11/8/2011	5/15/2012	11/6/2012
<i>Deadline to file statement of city referral and explanatory statement</i>	61st day before election	9/8/2011	3/15/2012	9/6/2012

## **City Charter; Code**

### **Charter, Section 13-302 Submission to Voters.**

All Charter amendments proposed by the Charter Commission supported by an affirmative vote of at least fifteen (15) members of the Charter Commission, after a public hearing process prescribed by the Council, shall be submitted to the voters of the City of Portland at the next primary or general election that is at least 120 days after the date the recommendations are presented to the City Council. All Charter amendments proposed by the Charter Commission supported by an affirmative vote of a majority but less than least fifteen (15) members of the Charter Commission shall be considered as recommendations to the City Council. The Council may, but is not required to, refer such proposed amendments to the voters of the City of Portland. [New Section May 15, 2007, effective January 1, 2009.]

### **2.04.120 Measures Referred by the Council.**

(Amended by Ordinance No. 177200, effective February 21, 2003.)

#### **A. Preparation of Ballot Title and Resolution; Effective Date.**

1. Prior to final Council action on a measure to be referred to the electors, an elected City official shall submit a resolution and ballot title to the Council Clerk for placement on the Council agenda. The ballot title may be prepared by:

- a. the City Attorney at the request of the Council or elected official;
- b. the Council; or
- c. an elected City official.

If the City Attorney is asked by the Council or an elected official to prepare the ballot title and resolution, the ballot title and resolution shall be transmitted to the Council or elected official within five business days of the request, unless a longer time period is specified by the Council or elected official.

2. The ballot title shall comply with the requirements of Section 2.04.060 B.

3. A measure shall be placed on the ballot if the Council enacts a resolution directing that a measure be placed on the ballot.

4. A measure shall be considered referred under this section as of the date the Council adopts the resolution directing placement of the measure on the ballot.

**B. Publication.** Upon referral of the measure as outlined in Section 2.04.120 A., the Auditor shall publish in the next available edition of a newspaper of general circulation in the City, a notice of receipt of the ballot title, that an elector may file a petition for review of the ballot title, and the date by which the appeal must be filed.

**C. Legal Challenge to Ballot Title.** A ballot title adopted by Council may be challenged as provided by state law.

### **2.04.130 Election Dates; Special Election.**

**C.** A measure or advisory question referred by Council shall be placed on the election ballot specified in the resolution directing the measure or question to be referred to the voters. This shall

be a primary or general election date, unless the Council finds that the public interest in a prompt resolution of the question outweighs the costs associated with a special election. If the Council chooses not to place the matter on the ballot at the next primary or general election, the Council may call for a special election at the next available date or call for a special election at an election date when other measures are on the ballot thus reducing the cost. If no date is specified in the Council resolution, the measure shall be placed on the ballot at the next available primary or general election.