

MEASURE EXPLANATORY STATEMENT

Required for all Measures Submitted with Multnomah County Elections

ELECTION DATE <p style="text-align: center; margin: 0;">May 15, 2012</p>	MEASURE NUMBER	
BALLOT TITLE CAPTION <p style="text-align: center; margin: 0;">Amends Charter to clarify election procedure for filling vacancies</p>		
NAME OF PERSON RESPONSIBLE FOR CONTENT OF STATEMENT <p style="text-align: center; margin: 0;">City Attorney James H. Van Dyke</p>		
NAME OF JURISDICTION PERSON REPRESENTS <p style="text-align: center; margin: 0;">City of Portland</p>		
E-MAIL <p style="margin: 0;">ryan.kinsella@portlandoregon.gov</p>	TELEPHONE NUMBER <p style="margin: 0;">503-823-3546</p>	FAX NUMBER <p style="margin: 0;">503-823-4571</p>

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

This measure amends the Portland City Charter. Section 2-206 of the Charter specifies the elections process and timing for filling vacancies in elective City offices. The intent of Section 2-206 is to ensure that there is an election procedure to fill vacancies that may occur at any time during a City elected official's four year term. Each of the three subsections of Section 2-206 - (b), (c) and (d) - is intended to apply to different periods of time during the four year term. While the wording of Subsection (b) is ambiguous, the City has interpreted Subsection (b) to apply to the periods of time not covered by Subsections (c) and (d). However, Subsection (b) could be interpreted to apply only if a vacancy occurs both more than 100 days before the primary election in the fourth year of the term but also less than seventy-one days before the general election in the fourth year, even though these two time periods could not overlap, rendering Subsection (b) meaningless. Changing the single word "but" to "or" in Subsection (b) would clarify that section's meaning consistent with intent and would ensure that vacancies occurring during the first three years of an elected official's term are covered by the Charter.

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City's Charter Commission reviewed the Charter and identified parts of the Charter that the Commission determined are outdated, unenforceable or offensive, including Section 2-206(b). This section can be amended without changing City government structure or operations.

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

SIGNATURE OF PERSON RESPONSIBLE FOR CONTENT OF STATEMENT

DATE