



P O R T L A N D  
CITY AUDITOR  
**Elections**

## City of Portland

# Initiative Petition Public Information Packet

For Election Cycle Ending June 2022

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## **Purpose**

The "City Initiative Petition Information Packet" provides an overview of the procedures and regulations governing filing, circulation, and qualification to the ballot for a publicly initiated City petition, known as an initiative petition. The City initiative process is governed by the Oregon Constitution, Oregon Revised Statutes, Portland City Charter, and Portland City Code. While every effort has been made to include necessary information in this packet, please contact the City Elections Office at 503-865-6503 or [elections@portlandoregon.gov](mailto:elections@portlandoregon.gov) for further information.

## **Authority**

Article IV, Section 1 of the [Oregon Constitution](#), [Section 3-201 of the Portland City Charter](#) (City Charter), and [Section 2.04.040 of the Portland City Code](#) (City Code) give registered voters of the City of Portland the ability to initiate legislation to a vote through the initiative process.

## **The Basics**

The initiative petition process provides Portlanders with a vehicle to refer a proposed local law to a vote of the people. Initiatives may propose new legislation or make amendments to the City Code or City Charter. After completing the prospective petition process, petitioners can gather signatures on approved signature and cover sheets. If petitioners gather the required number of valid signatures, the measure will be placed on the ballot for a vote of the people at the intended regular election date. It becomes law if a majority of the electorate vote in favor of the measure.

## **City-Specific Regulations**

In addition to State rules and regulations included in the Oregon Revised Statutes (ORS) and Secretary of State publications, initiative petitions in the City of Portland are also governed by provisions of the City Code. A copy of City Code Chapter 2.04 is included in **Appendix A** of this packet.

The main distinguishing characteristics of City initiative petition requirements that differ from state law are as follows:

- Chief Petitioners must be registered voters of the City of Portland.
- Petitioners must indicate the election date for which the initiative is intended.  
**Note: this is a requirement which must be manually added to form SEL 370 when filing.**
- Must be filed within 2 years and 4 months of the intended election date.
- Require 9 percent of the voters registered in the previous Primary Election. This amount is calculated every two years and made available by the Elections Office.
  - Prospective petitions filed prior to the availability of official May 17, 2022 election results will require **39,442 valid City of Portland registered voter signatures** to qualify for the ballot.

# Public's Steps

## Step 1

File prospective petition with Elections Office.

## Step 3

City voters may challenge the constitutional determination in Circuit Court.

 *Must file in court by 7th business day after determination is made if text does not comply with constitution  
OR  
7th day after the ballot title is filed if text does comply with constitution.*

## Step 6

City voters may challenge ballot title in Circuit Court.

 *Must file in court by 7th business day after Elections Office receives ballot title from City Attorney.  
Challengers must notify the Elections Office in writing by 1 business day after filing in Circuit Court.*

## Step 7

Submit prepared cover and signature sheets prior to circulation.  
*Note: Sheets must be approved by Auditor's Office prior to circulation.*

## Step 8

Circulate petition to gather signatures.

## Step 9

Submit signatures.  
 *No later than 4 months prior to intended election.*

# City's Steps

## Step 2

Elections Office conducts its constitutional procedural review.  
 *6 business days to complete and notify chief petitioner(s).*

## Step 4

City Attorney prepares ballot title.  
 *5 business days to complete.*

## Step 5

Elections Office publishes ballot title on website and in next edition of the Oregonian.

## Step 10

Verify signatures.  
 *30 days to complete.*

## Step 11

City Council has the opportunity to adopt the proposal as law, offer a competing measure for the ballot, or take no action.  
 *30 days to take action.*

## Step 12

Place measure on ballot if City Council takes no action or offers a competing measure.

**1****Step One - Filing Prospective Petition**

The first step in filing an initiative petition to a vote of the people is to submit a prospective petition with the City Elections Office. An initiative petition may be filed at the physical office, located in the Office of the City Auditor, or filed online by emailing required forms to [elections@portlandoregon.gov](mailto:elections@portlandoregon.gov).

Voter registration status of chief petitioners must also be verified by the City Elections Office. Chief petitions must either present a government-issued ID or contact the City Elections Office at [elections@portlandoregon.gov](mailto:elections@portlandoregon.gov) to make other arrangements if unable to provide a government-issued ID.

Note: All required and optional forms for the prospective petition are included in **Appendix B** of this packet.

**Prospective Petition Required Items:**

- **SEL 370** Form;
  - **Note: Petitioners must manually write in the election date** for which their initiative is intended on the **SEL 370** Form. This date must be a biennial statewide primary or general election within two years and four months of the filing of the prospective petition (See ORS 221.230).
- No more than three (3) chief petitioners;
  - **Note:** City Code Section 2.04.040 requires that chief petitioners be registered voters in the City of Portland.
- Prospective petition completed and signed by chief petitioners designating circulator pay status;
- Intended election date for the petition; and
- Complete text of the proposed charter change or ordinance to be initiated (legislation).
  - **Note:** It is recommended that petitioners consult legal assistance in drafting legislation according to legal specifications. The City Elections Office can provide guidance regarding the *formatting* of the legislation, not content. Please see **Appendix C** for more information regarding format requirements of legislation.

**Prospective Petition Additional Item:**

- **Establish Account and Organization:** Establish a campaign account and file a Statement of Organization designating a treasurer with the Elections Division

of the Secretary of State's Office. This can be filed online with the Secretary of State's Office. See the state's manual in **Appendix F**.

- **Note:** It is required that a campaign committee has been established with the Secretary of State prior to signature sheet approval and circulation.

#### Prospective Petition Optional Items:

- Submit Draft Ballot Title: Including caption, question and explanation. The draft ballot title must be submitted at the same time as the **SEL 370** prospective petition filing;
  - Note: A City Attorney will prepare the final ballot title.
- Authorize Agent(s): Authorize individuals to act on behalf of chief petitioner(s) in most matters regarding the petition process by filing the **SEL 307** Agent Authorization Form;

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## **Step Two - Constitutional Requirements**

No later than five (5) business days after receiving the prospective petition, the City Elections Office will review the text of the proposed legislation to determine whether it complies with procedural constitutional requirements. After this review, the City Elections Officer will notify the chief petitioner(s) of the constitutionality determination.

- If the text of the proposed legislation does not comply with procedural constitutional requirements, the City Elections Office will notify the chief petitioner(s) in writing by certified mail, return receipt requested. Notices to chief petitioners are mailed no later than six (6) business days after the prospective initiative petition is filed.
- If the text of the proposed legislation complies with procedural constitutional requirements, the City Elections Officer notifies the chief petitioners in writing no later than six (6) business days after the prospective initiative petition is filed. The initiative petition then moves to Step three in the process below.



Any registered voter of the City of Portland who disagrees with the constitutional requirements determination can challenge it in Circuit Court.

- If the text does not comply: The seventh (7th) business day after the determination is made, if the text does not comply; OR

- If the text does comply: The seventh (7th) business day after the ballot title is filed with the Elections Officer (during the ballot title challenge period).

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### **Step Three - Preparation of Ballot Title**

Once the City Elections Office determines that the prospective petition meets the procedural constitutional requirements, the City Elections Office forwards a copy of the petition to the City Attorney for preparation of the ballot title no later than six (6) business day after the prospective petition is filed.

The City Attorney then has five (5) business days to prepare a ballot title and return it to the City Elections Office.



Oregon law requires that the **ballot title** contain all of the following elements:

- Caption: Not to exceed 10 words; must reasonably identify the subject of the prospective initiative petition;
- Question: Not to exceed 20 words; must plainly phrase the chief purpose of the prospective initiative so that an affirmative response corresponds to a yes vote on the ballot; and
- Summary: Not to exceed 175 words; shall be concise and impartial and summarize the measure and its major effect.

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### **Step Four - Publication of Notice of Receipt of Ballot Title**

Upon receipt of the ballot title from the City Attorney, the Elections Office immediately provides the chief petitioner with a copy of the ballot title.



The Elections Office publishes a notice of receipt of the ballot title in the next available edition of the Oregonian and also posts the notice on the City website.



The **notice** must include the following:

- A statement that the petition meets the procedural constitutional requirements;
- A notice that an elector (registered City voter) may file a petition to review the ballot title and Auditor's determination of constitutional procedural requirements;

- The deadline for filing a petition to review with the Circuit Court; and
- The ballot title provided by the City Attorney or information on how to obtain a copy of the ballot title.



Any elector who is dissatisfied with the ballot title may petition the Circuit Court for review. The deadline to file a petition for review is no later than the seventh (7th) business day after the City Elections Office receives the ballot title from the City Attorney.

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### **Step Five - Challenge Period**



As detailed in **Step Two** and **Step Four**, any registered voter who is dissatisfied with the constitutional determination or ballot title may petition the Circuit Court for review. The deadline to file a petition for this review is no later than the seventh (7th) business day after the City Elections Office received the ballot title from the City Attorney.

If a registered voter files a petition to review a ballot title with the Circuit Court, the Elections Office must be notified in writing that the petition has been filed no later than one business day after filing with the Circuit Court.



***WARNING!! - If the notice to the City Elections Officer is not timely filed, the petition to the Circuit Court will be dismissed.***

Petition Requirements:

- The petition must name the City Attorney as the respondent for the ballot title
- The petition must name the Auditor as the respondent for the constitutional determination
- If related to the ballot title, the petition must state the reasons the ballot title filed with the court is insufficient, unconcise or unfair

After a petition to review a ballot title or constitutional determination is filed, the Circuit Court conducts its review of the challenge(s).

The review, if any, of the challenged item(s) by the Circuit Court shall be the first and final review. The Circuit Court then renders its decision and certifies a ballot title to the City Elections Officer that meets the requirements of ORS 250.035.

**6****Step Six - Preparation of Cover & Signature Sheets**

Cover and signature sheets will not be approved by the City Elections Officer for circulation until after the City Elections Office receives a Circuit Court order for a challenged ballot title, or the time period for the ballot title challenge has passed.

After receiving the final ballot title, the chief petitioner(s) may begin the cover and signature sheet approval process.

**The City Elections Office cannot approve cover and signature sheets for circulation until the Statement of Organization for a Petition Committee (SEL 222) has been filed with the Secretary of State. The City Elections Office will contact the Secretary of State to confirm the filing.**

The cover and signature sheets for a prospective initiative petition must be approved in writing by the City Elections Office before the chief petitioners may begin circulating the petition. The chief petitioners must comply with specific detailed requirements when preparing their cover and signature sheets. Failure to comply with the requirements in **Appendix C** of this packet will delay the receipt of written approval to circulate.

After preparing the cover and signature sheets for the prospective initiative petition, the chief petitioners submit a draft to the City Elections Office for review. If the text of the prospective initiative is not printed on the cover (the back of the signature sheet), a complete copy of the text must also be submitted with the draft cover and signature sheets, as originally submitted. Cover and signature sheets may be submitted for approval by a chief petitioner or authorized agent by email or in person.

See **Appendix C** for Signature and Cover Requirements and **Appendix E** for Guidelines for Circulating Petitions.

After receiving the text, cover and signature sheets from the chief petitioners, the City Elections Office reviews the sheets for compliance with requirements for prospective City initiative petitions. The City Elections Office reviews the text of the initiative petition to ensure the text reads exactly the same and is formatted the same as the text submitted with the prospective petition. The City Elections Office also reviews the cover and signature sheets for compliance with City petition requirements.

The City Elections Office then prepares a written notice to the chief petitioner(s) detailing any corrections which must be made to the text, cover or signature sheets before they can be approved for circulation.

**Optional E-Sheet:** Instead of, or in addition to, filing the cover and signature sheets for circulation, petitioners have the option to file an E-sheet (form **SEL 348**). The E-sheet does not require a circulator to personally witness a voter's signature, which allows a voter to sign a petition from the privacy of their home at a time of their choosing and return to chief petitioners.

Once the text, cover and signature sheets meet the requirements, the City Elections Office notifies the chief petitioners in writing of approval to circulate the initiative petition.

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### **Step Seven - Circulation**

Once the chief petitioners receive written approval of the cover and signature sheets from the City Elections Office, the chief petitioners may collect signatures needed to place the initiative on the ballot.

Signature requirements and filing deadlines are included in **Appendix D** of this packet. A petition cannot be accepted unless it contains 100 percent of the required number of signatures. Signatures must be submitted no less than four (4) months before the intended election date.

**Mail/Email/Website:** If the chief petitioners intend to mail, email or post on a website (via the e-sheet, **SEL 348**) the prospective signers, **the text of the legislation must be included with each mailing or electronic communication.**

Before collecting signatures, the chief petitioner(s) must review with circulators the legal requirements and guidelines for circulating an initiative, listed in **Appendix E** of this packet. **Failure to comply with the legal requirements and guidelines will result in rejection of those sheets.**

After reviewing the legal requirements and guidelines for circulating an initiative, the chief petitioner(s) and circulators may circulate the petition. See an abbreviated summary of circulator requirements and guidelines in **Appendix E** of this packet and the Secretary of

State’s County, City, District Initiative and Referendum manual for further details, including requirements for circulators, how to remedy errors, and associated penalties.

**8** **Step Eight - Signature Submission**

Petitioners must submit their petitions with the required number of signatures (listed in **Appendix D** of this packet) no less than four (4) months before the election date specified on the petition. Failure to meet this deadline will render the petition void.

Once at least 100 percent of the required number of signatures have been collected, chief petitioners or authorized agents may submit the signature sheets to the City Elections Office. Signature sheets will not be accepted from circulators, circulator companies or any other entity.

Chief petitioners or authorized agents must mail or personally hand deliver signature sheets to the City Elections Office for verification.

If signatures are submitted and signature verification shows that the petition did not qualify, chief petitioners or authorized agents may submit additional signatures for verification, as long as the additional signatures are submitted prior to the signature deadline (four (4) months before the intended election date)

To submit signature sheets for verification, the chief petitioners or authorized agents must number the signature sheets beginning with the number one (1) and continue numbering sequentially until all sheets have been numbered.

The following form must be submitted with petition signatures:

- Submit form **SEL 339**: petition submission, signed by all chief petitioners and stating the number of signatures the petition purports to have.
  - **Note**: If submitted by mail, sheets will only be accepted if a signed copy of the form **SEL 339** is included in each box.

The chief petitioners must follow contribution and expenditure transaction reporting as required through the Oregon Elections System for Tracking and Reporting (ORESTAR). Refer to the latest *Campaign Finance Manual* (published by the Secretary of State and included in **Appendix F**).

**Withdrawing an Initiative** - Chief petitioners may withdraw their initiative prior to submitting the petition signature sheets for verification by filing the **SEL 375** Withdrawal of Initiative Petition form. The chief petitioner may not re-activate the withdrawn petition. To restart the process, a new prospective petition must be filed.

## **9** **Step Nine - Signature Verification**

After receiving the signature sheets from the chief petitioners, the City Elections Office begins verifying the signatures to determine if the initiative contains enough valid signatures to qualify for the ballot. City Code Section 2.04.090 requires the City Elections Officer to complete the verification process within thirty (30) days after receipt of the petition, and to advise the chief petitioners whether the petition qualifies to be submitted to the voters or whether additional signature sheets may be submitted (allowable only if sheets are submitted prior to the deadline with enough time to perform additional verification).

The City Elections Office processes signature sheets submitted for verification by:

- Comparing the submitted cover and signature sheets to the approved versions;
- Verifying that each signature sheet has a sufficient circulator certification;
- Verifying that each signature sheet has the approved cover sheet copied on the back; and
- Verifying (by partnering with county elections divisions) the original signatures of valid registered Portland voters using voter registration records.

The City Elections Officer arranges with the county elections officials for verification of signatures on the petition. Signature verification is done, in part, by using the statistical sampling method provided by the Secretary of State (see OAR 165-014-0110 for details on this method), as required by ORS and City Code.

## **10** **Step Ten - Opportunity for Competing Measure**

In accordance with City Code Section 2.04.100, the City Elections Officer files qualified initiative petitions with the City Council for consideration. The Council may adopt, reject or submit a competing measure and must do so within thirty (30) days. If Council adopts the measure, it will become law without appearing on the ballot. If Council rejects it or does not act, it will be referred to the voters. The City Council may also choose to refer a competing measure to the voters on the same election ballot.

As required by law, the City Charter can only be amended by a vote of the people and must be referred to the voters.

## **11** **Step Eleven - Placement on Ballot**

If Council does not adopt the measure, the City Elections Officer certifies the measure to the County Elections Official for placement on the intended election ballot.

The County Elections Official assigns a measure number.

If the measure is approved by voters, it becomes law.

## **APPENDIX A**

### **City Code Chapter 2.04** **Initiative and Referendum Procedures**

- Note

(Chapter replaced by Ordinance No. 163790, effective February 15, 1991.)

2.04.010 Definitions.

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

2.04.020 Applicability of State Law; Limitations.

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

2.04.030 Pre-election Publication.

No City voters pamphlet shall be required for an election subject to this chapter unless the Council directs it specifically.

2.04.040 Submission of Measures to Voters.

(Amended by Ordinance Nos. 177200 and 184947, effective November 18, 2011.)

**A. Council Submission of Measures**

1. A measure may be submitted to the legal voters of the City by resolution of the Council. No petition is required.
2. An advisory question, measure or proposition may be submitted to the voters by resolution of the Council. No petition is required. The vote shall not enact the matter into law, preclude the Council from adopting an ordinance enacting the matter into law, or require the Council to enact the measure into law.

**B. Elector's Submission of Petition on Legislation**

1. A petition initiating or referring city legislation may be submitted by electors. The petition shall comply with the requirements of Section 2.04.050 and meet the signature requirements of Section 2.04.090.

**C. Charter Commission Measures**

1. A measure proposing a charter amendment that is supported by an affirmative vote of at least 15 members of the Charter Commission after a public hearing process prescribed by the Council shall be submitted to the legal voters of the City in conformance with the Charter and this Chapter.

2.04.050 Prospective Petition.

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

**A.** The chief petitioner(s) shall file a prospective petition with the Auditor prior to circulating the petition. The petition shall be in a form required by the Auditor.

**B.** State law with regard to the form of the petition shall apply except that the City shall provide on the form a place for the chief petitioners to state at which election date the measure is to be placed on the ballot.

**1.** In the case of an initiative petition:

**a.** The chief petitioners shall specify the date at which the measure shall be submitted to the voters. The specified election date shall be a regular election date within two years and four months of the time the prospective petition is filed with the Auditor.

**b.** Each signature sheet shall contain the caption of the ballot title.

**c.** A full and correct copy of the legislation to be initiated must also be submitted with the prospective petition.

**2.** In the case of a referendum petition:

**a.** Each signature sheet shall contain the title, and charter section or ordinance number or section numbers proposed for referral and the date it was adopted by Council.

**b.** A full and correct copy of the legislation to be referred must also be submitted with the prospective petition.

**3.** If one or more persons will be paid for obtaining signatures of electors on the petition, each signature sheet shall contain a notice stating: "Some Circulators For This Petition Are Being Paid."

**C.** The Auditor shall provide each chief petitioner with a "Statement of Understanding" and with a copy of each of the forms and requirements listed on the Statement. A Statement of

Understanding signed by each chief petitioner shall be a prerequisite to acceptance of the petition.

**D.** Prospective petitions which meet the requirements of Sections 2.04.050 A., B., and C. shall be accepted by the Auditor. The Auditor shall inscribe the date of filing upon the petition. The Auditor shall forward two copies to the City Attorney for the preparation of a ballot title not later than the sixth business day after the prospective petition is filed with the Auditor.

2.04.055 One Subject Determination.

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

**A.** The Auditor shall determine in writing no later than the fifth business day after receiving a prospective initiative petition whether the petition meets the requirements of Section 1(2)(D), Article IV of the Oregon Constitution.

**B.** If the Auditor determines that the prospective initiative petition meets the requirements, the Auditor shall publish the ballot title as required in Section 2.04.060, including a statement that the petition has been determined to meet the requirements of Section 1(2)(D), Article IV of the Oregon Constitution.

**C.** If the Auditor determines that the initiative petition does not meet the requirements, the Auditor shall immediately notify the petitioner of the determination in writing by certified mail, return receipt requested.

**D.** Any elector dissatisfied with a determination of the Auditor under Section 2.04.055 A. may petition the circuit court to overturn the determination as provided by state law.

2.04.060 Ballot Title; Publication; Legal Effect.

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

**A.** The City Attorney shall prepare a ballot title within five business days after receiving the prospective petition from the Auditor, or in the case of measures referred by Council, within five business days of the request. The ballot title shall comply with the requirements of state law. The purpose of the ballot title is to accurately describe the proposed measure, and does not constitute an opinion as to whether the proposed measure is free of legal defects.

**B.** The ballot title shall consist of:

- 1.** A caption of not more than 10 words which reasonably identifies the subject matter of the petition.
- 2.** A question of not more than 20 words which plainly phrases the chief purpose of the measure so that an affirmative response to the question corresponds to an affirmative vote; and
- 3.** A concise and impartial statement of not more than 175 words summarizing the measure and its major effects.

**C.** In the case of a prospective petition, the City Attorney shall transmit the ballot title to the Auditor who shall inscribe the date of receipt on it and shall:

- 1.** Transmit a copy of the petition and the ballot title to one of the chief petitioners; and,
- 2.** 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.

**D.** Ballot titles for measures referred by Council shall be published by the Auditor as provided in Section 2.04.120 B.

#### 2.04.070 Legal Challenge to Ballot Title.

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

A ballot title filed with the Auditor by the City Attorney or adopted by the City Council may be challenged as provided by state law.

#### 2.04.080 Circulation of Petition.

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

**A.** The Auditor shall certify the petition to one of the chief petitioners for circulation at the conclusion of the seventh business day after the ballot title is received from the City Attorney or

immediately upon final adjudication as prescribed by the court, except a referendum petition which is found by the Auditor to satisfy the provisions of Section 2.04.050 may be circulated prior to the preparation of the ballot title.

**B.** The Auditor shall advise the chief petitioner in writing that the preparation of the ballot title by the City Attorney and certification of the petition by the Auditor does not certify that the proposed measure is a proper matter for the initiative or referendum process or that it is legal or free of legal defects.

**C.** Each copy of the petition which is circulated shall consist of a cover page including the ballot title and the text of the legislation being initiated or referred backed with the signature sheet. If the text of the legislation is too lengthy to fit on the cover sheet, each person obtaining signatures on the petition shall carry at least one full and correct copy of the measure to be initiated or referred and shall allow any person to review a copy upon request.

**D.** Each elector signing the petition shall do so by affixing the elector's signature to the signature sheet. Space shall also be available on the signature sheet for the elector's, printed name, residence address, precinct number, and date of signing.

**E.** No signature sheet shall be circulated by more than one person. Each signature sheet shall contain a certification signed by the circulator that each elector who signed the sheet did so in the circulator's presence and to the best of the circulator's knowledge, each elector signing the sheet is a legal voter of the City and that compensation received by the circulator, if any, was not based on the number of signatures obtained for this petition.

[2.04.090 Filing Deadlines, Percentage Requirements and Signature Verification.](#)  
(Amended by Ordinance Nos. 177200 and 178799, effective November 5, 2004.)

**A.** The Auditor shall not accept a petition for signature verification which does not satisfy the requirements of this chapter and other applicable law. Petitions shall be verified in the order in which they are filed with the Auditor.

**B.** A petition shall not be accepted for signature verification unless it contains at least 100 percent of the required number of signatures.

**C.** In computing the required number of signatures, the required number shall be a percentage, as provided in this section, of the number of electors registered in the city on the date of the primary municipal election immediately preceding the date the prospective petition is filed.

**D.** An initiative petition shall:

**1.** Be filed with the Auditor for signature verification no less than four months before the election date specified on the petition. Failure to meet this filing deadline shall render the petition void.

**2.** Be signed by a number of electors equal to or greater than 9 percent of the number of electors registered in the city on the date of the primary municipal election immediately preceding the date the prospective petition is filed.

**E.** A referendum petition shall:

**1.** Be filed with the Auditor for signature verification no later than 30 days after passage of the ordinance sought to be referred, however, it must be submitted to the Auditor at least four months before an election date in order to be placed on the ballot for that election. The four months submission requirement may be waived if the Auditor can complete the signature verification process and meet the counties' elections filing deadlines, and the provisions of Section 2.04.130 B. are satisfied.

**2.** Be signed by a number of legal voters equal to or greater than 6 percent of the number of electors registered in the city on the date of the primary municipal election immediately preceding the date the prospective petition is filed, except that a petition signed by 2,000 registered voters shall be sufficient to call a referendum upon any franchise ordinance.

**F.** Upon acceptance of the petition, the Auditor shall arrange for verification of the validity of the signatures with the County Elections Officers. Verification may be performed by random sampling in a manner approved by the Secretary of the State of Oregon.

**G.** The Auditor shall complete the verification process within 30 days after receipt of the petition and shall advise a chief petitioner whether the petition qualifies to be submitted to the voters.

**H.** A date shall be placed on the petition or on a certificate attached to the petition which shows the date the verification process was completed. Measures which qualify for placement on the

ballot shall be certified by the Auditor as meeting the requirements of this chapter and shall be submitted to the Council for action as provided by 2.04.100. The Auditor shall certify to the County Elections Offices each measure which qualifies for placement on the ballot, unless the measure has been enacted by the Council.

2.04.100 Council Action; Competing Measure and Certification.

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

**A.** The Auditor shall file with the Council each initiative and referendum measure submitted by the electors which qualifies for placement on the ballot for action by the Council as follows:

**1.** The Council may adopt an ordinance which codifies an initiative measure proposing a change to the City code. The Council shall act by a non-emergency ordinance not later than the 30th day after the measure has been certified by the Auditor for Council action and not later than the date the measure must be certified to the County for placement on the ballot. Approval of the ordinance shall void the initiative petition.

**2.** The Council may repeal an ordinance provision which is the subject of a referendum petition. The Council shall act by a non-emergency ordinance not later than the 30th day after the measure has been certified by the Auditor for Council action and not later than the date the measure must be certified to the County for placement on the ballot. Repeal of the referred ordinance provision shall void the referendum petition.

**B.** All measures involving charter language which qualify for placement on the ballot shall be submitted to the voters.

**C.** The Council may refer a competing measure, however, it shall prepare the measure not later than the 30th day after the measure has been filed with the Auditor for signature verification.

2.04.110 Measures Proposed by the Charter Commission.

(Added by Ordinance No. 184947, effective November 18, 2011.)

**A.** Preparation of Ballot Title

**1.** When a measure proposing a charter amendment is supported by an affirmative vote of at least 15 members of the Charter Commission after a public hearing process prescribed by the Council:

- a.** The Commission shall notify the Auditor and submit to the Auditor the text of a proposed measure.
- b.** Within seven business days after submission of the proposed measure to the Auditor, the Auditor shall file the measure as a report from the Charter Commission to the Council and place it on the Council agenda.
- c.** Within two business days after the Charter Commission presents the measure to the Council at a Council meeting, the Auditor shall forward the measure to the City Attorney for preparation of a ballot title and explanatory statement in conformance with the requirements of state law.
- d.** Within five business days after receiving the measure from the Auditor, the City Attorney shall prepare and transmit to the Auditor the ballot title and explanatory statement.
- e.** After receiving the ballot title, 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.
- f.** Following completion of the ballot title challenge process, the Auditor shall file the measure, ballot title and explanatory statement with county elections officers.
- g.** A measure shall be considered referred under this Section as soon as the measure is certified to the ballot. The measure shall be placed on the next primary or general election ballot that is at least 120 days after the date the Charter Commission presents the measure to Council. As part of its affirmative vote supporting a measure, the Charter Commission may specify whether the measure shall be submitted to the voters at the primary election or at the general election.

[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.

[2.04.125 Advisory Questions Referred by Council.](#)

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

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

**1.** Prior to final Council action on an advisory question 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.** An advisory question shall be placed on the ballot if the Council enacts a resolution directing that a measure be placed on the ballot.

**4.** An advisory question shall be considered referred under this Section as of the date the Council adopts the resolution directing placement of the question on the ballot.

**B.** Publication. Upon referral of the measure as outlined in Section 2.04.125 A, the Auditor shall publish in the next available edition of a newspaper of general circulation in the City, a notice of receipt of 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.

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

**A.** An initiative measure shall be placed on the ballot at the primary or general election date specified on the petition.

**B.** A referendum measure shall be placed on the ballot at the next primary or general election 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.

**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.

#### 2.04.140 Ballot Designations.

(Amended by Ordinance Nos. 177200 and 184947, effective November 18, 2011.)

**A.** Measures referred by the Council shall be designated on the ballot "Referred to the People by the City Council."

**B.** Advisory questions referred by the Council shall be designated on the ballot "Advisory Question Referred to the People by the City of Portland."

**C.** Measures proposed by referendum petition shall be designated on the ballot "Referred by Petition of the People."

**D.** Measures proposed by initiative petition shall be designated on the ballot "Proposed by Initiative Petition."

**E.** Measures proposed by the Charter Commission supported by an affirmative vote of at least 15 members of the Charter Commission shall be designated on the ballot "Referred to the People by the Charter Commission."

2.04.150 Computation of the Vote.

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

**A.** No measure shall be adopted unless it receives an affirmative majority of the total number of votes.

**B.** A measure that falls under the requirements of Article 11, Section 11 (8) of the Oregon Constitution shall be adopted only if it receives an affirmative majority of the total number of votes and:

1. At least 50 percent of registered voters of the City cast a ballot; or
2. The election is a general election in an even-numbered year.

**C.** If there are two or more measures on the ballot on the same subject or containing conflicting provisions, the measure receiving the greatest number of affirmative votes shall be the measure adopted.

2.04.160 Effective Date.

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

**A.** The Auditor shall submit the abstract of votes for each measure from the County Elections office to the Council within 30 days after the date of the election. The Mayor shall issue a proclamation giving the number of votes cast for or against a measure and declare the approved measure as the law on the effective date of the measure. If two or more approved measures contain conflicting provisions, the Mayor shall proclaim which is paramount, as provided by Section 2.04.150 B.

**B.** An initiative or referendum measure adopted by the electors shall take effect upon proclamation by the Mayor unless the measure expressly provides a different effective date.

2.04.170 Computation of Dates.

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

## **Appendix B**

### **Initiative Petition – State Forms**

SEL 222 [Statement of Organization for Petition Committee\\*](#)

SEL 307 [Agency Authorization](#)

SEL 339 [Petition Submission](#)

SEL 348 [Electronic Signature Sheet](#)

SEL 369 [Local Petition Cover Sheet](#)

SEL 370 [Prospective Petition for Local Measure](#)

SEL 371 [Petition for Local Initiative/Referendum Signature Sheet](#)

SEL 375 [Withdrawal of Initiative or Referendum Petition](#)

\* **SEL 222** must be filed with the Secretary of State's Elections & Campaign Finance Division. Information may be filed electronically on the ORESTAR system through the [Secretary of State's website](#).

## **APPENDIX C**

### **Signature & Cover Sheet Instructions – SEL 369 and SEL 371**

All cover and signature sheet formats and designs must be approved by the City Elections Office **before** circulating any petition. Signatures collected on unapproved cover and signature sheets will be rejected.

If, at any time after approval to circulate, the residence address of any chief petitioner changes, new cover and signature sheets must be submitted for approval within 10 (let's clarify business/calendar?) days of the change.

### Formatting Requirements:

- Each cover sheet (**SEL 369**) for a prospective initiative petition shall have a signature sheet (**SEL 371**) copied on the back so that sheets are two sided. Both forms must be filled out completely and correctly with names and residence addresses matching that of the prospective petition form (**SEL 370**).



**WARNING!!!** - Logos, slogans, advertisements, party affiliations, etc. or any symbol or language which may be construed as advocacy is not permitted on any cover or signature sheet. Failure to comply with this requirement will result in rejection of those sheets and disqualification of those signatures.

### Format Requirement for All Cover and Signature Sheets

Text, cover and signature sheets **must** meet the following formatting requirements:

- Standard 8 1/2" by 11" size paper
- At least 20 pound (weight) uncoated paper **and**
- Text must be readable and enable election officials to readily verify signatures
- Cover and signature sheets are copied back to back on single sheet of paper

All paper must be approved by the City Elections Officer prior to circulation.

Size and style of type must be deemed readable and approved in writing by the City Elections Office. However, the measure text must be printed in at least 10-point type.

Text, cover, and signature sheets must be submitted for approval exactly as intended to circulate. Any proposed variation to approved cover and signature sheets must be resubmitted and approved in writing by the City Elections Officer before circulating.

Signatures collected on unapproved cover and signature sheets will be rejected.

### Information Regarding Signatures:

Signers are only required to provide a signature. A voter's printed name, residence address and date they signed the petition are not mandatory under Oregon law. These information fields, while optional for the signer, provide valuable assistance to elections officials who perform the signature verification. Failure to provide the optional information increases the possibility that the signature cannot be confirmed to be that of

an active registered voter, and thus reduces the chances of the petition having adequate verifiable signatures to qualify for the ballot. If the voter does not provide a date, the signature is considered valid only if the voter was an active registered voter during the period beginning the date the petition was approved for circulation through the date of filing the petition for signature verification.



**WARNING!!!** - *Circulators are advised to encourage signers to complete the optional information whenever possible. Failure to provide the optional information increases the possibility that the signature cannot be confirmed to be that of an active registered voter, and thus reduces the chances of the petition having adequate verifiable signatures to qualify for the ballot.*

### **Other Requirements:**

Statement of Organization for Petition Committee (**SEL 222**) is required to be filed with the Oregon Secretary of State before cover and signature sheets can be approved. The Statement of Organization may be filed electronically on ORESTAR, the Secretary of State's online campaign finance reporting system. For ORESTAR help or Statement of Organization filing questions, contact the Secretary of State at (503) 986-1518.

### **E-Sheets:**

Please see the Secretary of State's manual for Passive E-Sheet Station regulations, as well as other creation, distribution and formatting requirements (pages 24 – 25 of the [County, City, and District Initiative and Referendum Manual](#))

## Appendix D

### Required Signatures

For petitions filed with the City Elections Office prior to May 2022, **39,442 valid signatures** are required to be placed on the ballot.

City Code Section 2.04.090 says that an initiative petition must be filed with the Auditor for signature verification no less than four months before the election date specified on the petition. Failure to meet this filing deadline shall render the petition void.

- *For measures intended for May 17, 2022 Primary Election ballot:*  
Deadline to file signatures - **January 18, 2022**
- *For measures intended for November 8, 2022 General Election ballot:*  
Deadline to file signatures - **July 8, 2022**

Note: When submitting completed petitions, petitioners must submit 100% of the required number of valid signatures.

City Code Section 2.04.090 also says that an initiative petition must be signed by a number of electors equal to or greater than 9 percent of the number of electors registered in the city on the date of the primary municipal election immediately preceding the date the prospective petition is filed.

On the date of the May 19, 2020 Primary Election, there were 438,238 registered voters in the City of Portland.

## **APPENDIX E**

### **Guidelines for Circulating Petitions**

(Source: [County City and District Initiative and Referendum Manual, Secretary of State, pp 25](#); Note: this is an abbreviated summary, for full details consult the Secretary of State manuals included in **Appendix F**)

A circulator is an individual who asks voters to sign a petition and signs the petition as a circulator. They are also called petition circulator, signature gatherer, and signature collector. While some are volunteers and others paid professionals, every circulator must follow the requirements and guidelines for circulating petitions. To ensure compliance with legal requirements and guidelines chief petitioners must educate circulators and monitor their activities.

### **Circulator Requirements**

Each circulator must:

- Personally witness each signature collected; circulator must watch the person sign the petition. It is not sufficient to merely be present in the same room or vicinity
- Complete the circulator certification after witnessing all signatures collected on a sheet; circulators must use legal signature with a minimum of a first name initial and full last name. Initials, signature stamps, illegible or printed script are not sufficient unless verified by exemplar
- Provide the date when the certification was signed; the date must be provided in month, day, year order if written in all numbers
- Allow any person to read the text of an initiative or referendum petition; a complete copy of text must be available for signers of an initiative or referendum if not printed on cover sheet

- If being paid to gather signatures, review the Secretary of State's Circulator Training Manual; this must be completed before being paid to gather any signatures See the Circulator Training Manual available at [www.oreognvotes.gov](http://www.oreognvotes.gov).

**!! Warning:** *A circulator's failure to comply with these requirements may result in the rejection of the petition signature sheets and a felony conviction for the circulator.*

## **Circulator Prohibitions**

It is against the law for circulators to:

- Circulate a petition containing a false signature
- Attempt to obtain the signature of a person who is not qualified to sign the petition; only active registered voters may sign a petition
- Make false statements to anyone who signs the petition or requests information about it
- Offer money or anything of value to another person to sign or not sign the petition
- Sell or offer to sell signature sheets
- Write, alter, correct, clarify or obscure any information about the signers unless the signer initials after the changes are made; a circulator may assist a disabled signer who requests assistance in completing their printed name, address and date signed.

**!! Warning:** *Violations of the circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years ORS 260.715*

## Appendix F

### **Secretary of State Elections Division Resources**

The latest Oregon Secretary of State Campaign Finance Manual and County, City and District Initiative and Referendum Manual are incorporated by reference. These manuals will be provided when prospective petitions are filed or upon request. They are also available for viewing and download from the Secretary of State's website at

- [County, City, and District Initiative and Referendum Manual \(Updated March 2020\)](#)
- [Campaign Finance Manual \(Updated March 2020\)](#)
- [Other Secretary of State Manuals and Tutorials](#)
- [State Elections Contact Information](#)

Please be advised that some information in the County, City and District Initiative and Referendum Manual is superseded by City Charter and Code, as referenced in this packet.