

**REPORT OF THE
MULTNOMAH COUNTY
CHARTER REVIEW
COMMITTEE**

JULY 20, 2016

CHARTER REVIEW COMMITTEE

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Carol Chesarek, Vice Chair
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July 20, 2016

Board of Commissioners
Multnomah County
501 SE Hawthorne Blvd., Ste. 600
Portland, Oregon 97214

Dear Commissioners:

Attached is the report to the people and the Board of County Commissioners required by Multnomah County Home Rule Charter section 12.60. The report contains the Committee's findings, conclusions and recommendations including proposed amendments to the Charter.

The Committee began its work in October 2015 and held 11 public meetings. It made a comprehensive study of the charter. It held public hearings in each commission district. Its record includes detailed minutes and other materials that have been filed with the Clerk of the Board. The Committee recommends five ballot measures proposing Charter amendments.

The Committee thoroughly reviewed the current structure and future needs of the County. It offers this report to further the best interests of the people and government of Multnomah County.

Respectfully submitted,

CHARTER REVIEW COMMITTEE

Kirsten Leonard, Chair

Enclosure (1)

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PART 1

FINDINGS,

CONCLUSIONS AND

RECOMMENDATIONS

TERM LIMITS

Committee Findings

- a. Multnomah County Charter Section 4.20 limits the term of office for all Multnomah County elected officials -- the Chair, Commissioners, Sheriff and Auditor -- to no more than two full consecutive four-year terms in any 12-year period.
- b. If an elected official is elected or appointed to an elective county office for a term of less than four years, that partial term does not count against the two term limit.
- c. The two-term limit was enacted in 1982. Multiple measures to overturn it -- in 1990, 1998, 2004, and 2010 -- have failed.
- d. While Yamhill County elected officials and Metro councilors are limited to three four-year terms, thirty-three Oregon counties have no term limits.

Committee Conclusions

1. The difficulty of defeating an incumbent is a reason to maintain some form of term limit.
2. Turnover among county elected officials results in lost experience and expertise and it takes new officials and their staff time to learn how to be effective, rendering county operations less efficient after changes.
3. A compromise position of a three four-year term limit would reduce turnover and allow elected officials more time in office to realize their initiatives while still preventing the power of incumbency from extending indefinitely.
4. A three term limit may encourage county elected officials to see their jobs more as a career choice than a stepping stone to another elected office.
5. Since the current two-term limit applies to all county elected offices, it makes sense to suggest a new three four-year term limit also apply to all elected county offices.

Committee Recommendations

Submit to the people of Multnomah County at the November 8, 2016 general election a measure amending section 4.20 (2) to state that no incumbent or future elected officer of the county shall be eligible to serve more than three full consecutive four-year terms in any one elective county office within any 16-year period.

MIDTERM RESIGNATION

Committee Findings

- a. Multnomah County Charter section 4.20(3) prohibits an elected official of Multnomah County from running for another office in midterm. Filing for another office is treated as a resignation effective the date of filing. Only in the final year of their term may an official file for another office without it compelling their resignation.
- b. This limitation was enacted in 1982, ostensibly in response to a board member's decision to run for Portland City Council less than two years after he was elected to county government. From news media coverage at the time, it can be inferred that citizens were opposed to the idea of an elected official campaigning for another office while on the public payroll.
- c. Measures to repeal this limitation failed in 1984, 1998, 2004 and 2010.
- d. Multnomah County elected officials have resigned to run for another office only five times since 1982.
- e. Of those five resignations, two were sitting county commissioners who resigned to run for the office of county chair.

Committee Conclusions

1. While this restriction helps ensure elected officials are focused on county business, at least until their final year in office, it creates unnecessary turnover.
2. Assuming that part of voters' concern about a county official running for another elected office is potential distraction from county business, this would not apply in the case of a county commissioner running for county chair.
3. Since multiple previous measures to repeal the midterm resignation requirement have failed, it seems reasonable to recommend a smaller change that would lift the resignation requirement solely in the case of county commissioners running for the office of county chair midterm.
4. Since the offices of auditor and sheriff require specialized knowledge, and there have been no examples of an auditor or sheriff resigning to run for county chair since 1982, there does not seem to be a need to include them in this proposed change.

Committee Recommendations

Submit to the people of Multnomah County at the November 8, 2016 general election a measure amending section 4.20(3) to allow county commissioners to run for the office of county chair midterm without resigning

SHERIFF

Committee Findings

- a. The vast majority of American counties, including every county in Oregon, elect their sheriffs.
- b. Multnomah County has previously had an appointed sheriff position.
- c. Recent history of the Multnomah County Sheriff's Office (MCSO) demonstrated that when public concerns about the sheriff's fitness for office arise, the public's options are to initiate a costly recall campaign or to endure a months-long process of scandal.
- d. Potential candidates for Sheriff must be Multnomah County residents and must meet the State's qualifications laid out in ORS 206.015, which includes law enforcement experience and licensing with the State.
- e. Candidates for sheriff typically come from within the Multnomah County Sheriff's Office.
- f. The Sheriff provides law enforcement to only certain areas of the County, but the entire County votes for sheriff.
- g. Most recent elections for county sheriff have not been competitive.

Committee Conclusions

- 1. The State requirements in ORS 206.015 create a limited pool of possible sheriffs.
- 2. The county residents most served by the sheriff have a diluted voice in selecting him or her.
- 3. The three unions representing MCSO employees are special interests with great influence on elections for sheriff.
- 4. The sheriff should be hired for professional qualifications instead of political ambitions.
- 5. The current system results in a lack of coordination on criminal justice policy between the Multnomah County Sheriff's Office and the Board of County Commissioners.
- 6. Returning to an appointed sheriff position would increase accountability, expand the candidate pool, and improve the county's ability to coordinate criminal justice policy.

Committee Recommendations

Submit to the people of Multnomah County at the November 8, 2016 general election a measure amending Charter section 6.50 to make the county sheriff an appointed department head position rather than an elected position.

Campaign Finance

Committee Findings

- a. Oregon is one of only six states in the country that have no limits on campaign contributions.
- b. Contested races in Multnomah County are becoming increasingly expensive.
- c. The race for Multnomah County Chair in 2014 broke previous spending records.
- d. In Seattle, a city with a population similar to that of Multnomah County, voters recently approved a ballot measure enacting campaign finance reform.
- e. The Seattle measure set a \$500 contribution limit for mayoral candidates and a \$250 limit for city council candidates.
- f. Polling shows that a majority of Oregonians support limiting campaign contributions.

Committee Conclusions

1. Excessive money in politics undermines our democratic institutions and confidence in government.
2. Without limits on the size of campaign contributions and independent expenditures, the wealthy and corporations have undue power to influence election outcomes.
3. Limits on contributions and independent expenditures are likely to be challenged in court.
4. A campaign finance reform charter provision will strengthen our democratic institutions and instill greater confidence in our government.

Committee Recommendations

Submit to the people of Multnomah County at the November 8, 2016 general election a measure creating a new Charter provision that limits contributions and independent expenditures in Multnomah County candidate elections. This Charter provision will also require the disclosure of large campaign contributions and expenditures related to Multnomah County candidate elections in the advertisements funded by such contributions or expenditures.

CHARTER REVIEW COMMITTEE

Committee Findings

- a. The Multnomah County Home Rule Charter contains section 12.30 which establishes the Charter Review Committee.
- b. Charter section 12.40 sets out the process for selecting the members of the Charter Review Committee.
- c. Responsibility for selecting the members of the Charter Review Committee currently falls on state senators and state representatives from senatorial districts in the county.
- d. Placing this responsibility with state senators and representatives has the advantage of impartiality; they have no direct stake in the outcome of the committee's deliberations.
- e. The fact that those charged with selecting committee members have no direct stake in the process can also be an impediment, as appointing Charter Review Committee members is not necessarily a high-priority task for state senators and representatives.
- f. County staff put a great deal of effort into helping fill the slots for the 2015-16 committee.
- g. Charter sections 12.40(1) and 12.40(3) are structured to produce geographical and political diversity among committee members but are silent on other forms of diversity.
- h. The Office of Citizen Involvement is an office created by section 3.75 of the charter for the purpose of developing and maintaining citizen involvement programs.

Committee Conclusions

1. The current process is cumbersome and uneven. Some senators and representatives are engaged in the process and others are not.
2. The recruitment and selection process relies heavily on the efforts of staff members within the County Chair's Office. This is potentially problematic since it negates the theoretical benefit of having impartial actors carry out the selection of committee members.
3. The current process favors those who are politically connected as their names are more likely to be known to state senators and representatives.

4. The geographical and political diversity created by charter sections 12.40(1) and 12.40(3) does not translate into racial and ethnic diversity.
5. The composition of the 2015-16 Charter Review Committee is not reflective of the diversity found in the county's population.
6. The Office of Citizen Involvement is a natural fit to coordinate recruitment duties for the Charter Review Committee.
7. The Office of Citizen Involvement should have the responsibility of convening the Charter Review Committee.
8. It is in the best interest of the county to improve the Charter Review Committee selection process by shortening the timeline and transferring the recruitment coordination duties to the county's Office of Citizen Involvement.

Committee Recommendations

Submit to the people of Multnomah County at the November 8, 2016 general election a measure amending section 12.40 selection process for appointment of electors to the Charter Review Committee. Requires the Citizen Involvement Committee to coordinate the creation of a pool of candidates for consideration for appointment to the Committee, and to convene the meetings of the Charter Review Committee.

PART II

RESOLUTION, PROPOSED BALLOT TITLES, EXPLANATORY STATEMENTS AND CHARTER TEXT

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. 2016-XXX

SUBMIT TO THE VOTERS CHARTER AMENDMENTS PROPOSED BY THE COUNTY
CHARTER REVIEW COMMITTEE

The Multnomah County Board of Commissioners Finds:

- a. The Multnomah County Home Rule Charter (Charter) creates a Charter Review Committee (Committee) and directs it to review the Charter and any issues relating thereto.
- b. The Charter requires the Committee to report to the people and the Board its findings, conclusions and recommendations, including any amendments proposed to the county charter.
- c. The Committee has concluded its review and submitted its report to the Board. The Committee recommends five separate measures amending the Charter for submission to the people of Multnomah County at the 2016 general election.
- d. The Charter requires all amendments proposed by the Committee to be submitted to the people of Multnomah County at the primary or general election.
- e. Under MCC 5.107(B), measures referred by the Board will be designated on the ballot as referred to the people by the Board.
- f. The Board wants to clearly inform voters that the Committee recommended these five measures.

The Multnomah County Board of Commissioners Resolves:

1. The five measures proposing amendments to the Charter recommended by the Committee shall be submitted to the people of Multnomah County at the November 8, 2016, general election.
2. The ballot titles, explanatory statements and changes to the language of the Charter for the five measures are attached as Exhibits A, B, C, D, and E.

3. The words "as recommended by the Multnomah County Charter Review Committee" shall be added to the ballot designations required by MCC 5.107 (B). The designation for each measure shall read as follows:

"Referred to the People by the Board of County Commissioners as recommended by the Multnomah County Charter Review Committee."
4. The five measures, designations, ballot titles, explanatory statements and Charter text are certified to the Director of the Multnomah County Division of Elections (Director).
5. The Director shall publish these designations and include them in the county voters' pamphlet.
6. All measures approved by the majority of voters at the November 8, 2016, election shall take effect November 9, 2016, or on the date specified in the measure.

ADOPTED this _____ day of _____, 2016.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury, Chair

REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Jacqueline A. Weber, Deputy County Attorney

BALLOT MEASURE A

BALLOT TITLE

TERM LIMITS

Caption: Amends charter, extends term limits to three consecutive terms

Question: Should charter be amended to extend term limits to three consecutive four-year terms in any one office in 16 years?

Summary: The current Charter limits elected officers to two full consecutive four-year terms in any one elective county office in a 12 year period. The proposed amendment would allow elected officers to serve up to three full consecutive four-year terms in any one elective county office within a period of 16 years. The Charter would retain the provision stating that if an officer is elected or appointed to an elective county office for a term of less than four years, the time served does not count against the limitation on terms within any 16-year period.

Explanatory Statement:

The current Charter limits elected officers to two full consecutive four-year terms in any one elective county office in a 12 year period. The proposed amendment would allow elected officers to serve up to three full consecutive four-year terms in any one elective county office within a period of 16 years. The Charter would retain the provision stating that if an officer is elected or appointed to an elective county office for a term of less than four years, the time served does not count against the limitation on terms within any 16-year period.

Text of Charter Amendments for Ballot Measure A – Majority Vote Required
[*Bracketed and italicized*] language is deleted. **Bolded** language is new.

4.20. Terms Of Office; Successive Terms; (1) Except as this charter provides to the contrary, the term of office of a person elected to an elective county office:

- (a) Shall begin the first of the year immediately following his or her election to the office and
- (b) Shall continue four years.

(2) Effective January 1, [1985] **2017**, no incumbent or future elected officer of the county shall be eligible to serve more than [two] **three** full consecutive four-year terms in any one elective county office within any [12] **16**-year period. If an officer of the county is elected or appointed to an elective county office for a term of less than four years, the time so served shall not be counted against the limitation on terms within any [12] **16**-year period.

BALLOT MEASURE B
BALLOT TITLE
COMMISSIONERS RUNNING FOR CHAIR MIDTERM

- Caption:** Amends charter, commissioners may run for Chair midterm without resigning.
- Question:** Should charter be amended to allow commissioners to run for Chair mid-term without resigning their current elected office?
- Summary:** The current Charter provides that if an elected official files to run for another elective office midterm they effectively resign their office on the date they file for another office. The only exception occurs in the last year of an elective term. Filing for another office in the last year of an elective term does not constitute resignation. The proposed amendment allows a county commissioner to run for county chair midterm without resigning their current elected office, and clearly specifies that no other elected official may run for another elective office midterm without resigning.

A county commissioner running for an elected office midterm other than the chair's office will remain subject to the resignation provision. Similarly, the chair, auditor, and sheriff – the three other elected officials in the county – must resign their office if they run for another elective office midterm, unless they do so in the last year of their elective term.

Explanatory Statement:

The current Charter provides that if an elected official files to run for another elective office midterm they effectively resign their office on the date they file for another office. The only exception occurs in the last year of an elective term. Filing for another office in the last year of an elective term does not constitute resignation. The proposed amendment allows a county commissioner to run for county chair midterm without resigning their current elected office, and clearly specifies that no other elected official may run for another elective office midterm without resigning.

A county commissioner running for an elected office midterm other than the chair's office will remain subject to the resignation provision. Similarly, the chair, auditor, and sheriff – the three other elected officials in the county – must resign their office if they run for another elective office midterm, unless they do so in the last year of their elective term.

Text of Charter Amendments for Ballot Measure B – Majority Vote Required
[*Bracketed and italicized*] language is deleted. **Bolded** language is new.

4.20 Terms of Office; Running for Office Midterm.

(3) Effective January 1, 2017, **Commissioners of Multnomah County may run for the Office of Chair of Multnomah County mid-term without resigning their current elected office.** No elected official of Multnomah County may run for another **elective** office in midterm **without resigning**. Filing for another office in midterm shall be the same as a resignation, effective as of date of filing. "Midterm" does not include the final year of an elected official's term. Filing for another office in the last year of an elective term shall not constitute a resignation.

BALLOT MEASURE C

BALLOT TITLE APPOINTED SHERIFF

Caption: Amends Charter, changes elected sheriff position to appointed department head.

Question: Shall the Charter be amended to change from an elected to an appointed sheriff, effective January 1, 2019?

Summary: The office of sheriff is currently an elected position. This measure proposes to change the office to an appointed position effective January 1, 2019. The sheriff would be appointed in the same manner as other county department heads, and serve as the head of the sheriff's department. Currently the charter provides that the county chair has sole authority to appoint, order, direct and discharge administrative officers of the county, including department heads. Appointment of department heads is subject to consent of a majority of the board of county commissioners. The sheriff would continue to perform all functions of a county sheriff as prescribed by state law and continue to have sole administration of all county jails and correctional institutions. Because the sheriff would no longer be an elected official, the sheriff would not: (1) be required to be an elector of Multnomah County; (2) be subject to term limits or other requirements unique to elected officials; (3) have a salary set by the salary commission.

Explanatory Statement:

The office of sheriff is currently an elected position. This measure proposes to change the office from an elected position to an appointed position effective January 1, 2019. The position of sheriff would be appointed in the same manner as all other county department heads within the county. Currently the charter provides that the county chair has sole authority to appoint, order, direct and discharge administrative officers of the county, including department heads. Appointment of department heads is subject to the consent of a majority of the board of commissioners. The sheriff would serve as the head of the sheriff's department. An appointed sheriff would continue to perform all functions of a county sheriff as prescribed by state law and continue to have sole administration of all county jails and correctional institutions.

This amendment also requires an amendment to Charter section 4.30 relating to compensation of elected county officials. As an elected official, the compensation of the sheriff is set by the Salary Commission. As an appointed official, the salary of the sheriff would be set in the same manner as all department heads of the county.

The sheriff would no longer be subject to the qualifications required of elected officials, meaning the sheriff would not have to be an elector of the county and would not be required to be eligible to be bonded.

Text of Charter Amendments for Ballot Measure C – Majority Vote Required
[Bracketed and italicized] language is deleted. **Bolded** language is new.

4.30. Compensation Of The Chair, Commissioners, [Sheriff] and District Attorney.

The auditor shall appoint a five-member salary commission, composed of qualified human resource professionals with compensation experience, by January 1 of each even year. The salary commission shall set the salaries for the chair of the board of county commissioners, county commissioners, [sheriff] and the county paid supplemental salary of the district attorney, documenting the basis of its decisions. All elected or appointed Multnomah County officials and employees are prohibited from serving on the salary commission

4.50. Vacancies -- Filling.

(1) If a vacancy occurs in an elective office of the county and the term of office expires:

(a) One year or more after the vacancy occurs, then a person shall be elected at the next May or November election date to fill the vacancy for the remainder of the term of office. If no candidate receives a majority of votes cast at that election, the board of county commissioners shall call for a special election in which the names of the two candidates receiving the highest number of votes shall appear on the ballot. The candidate receiving a majority of votes cast will be deemed elected to fill the balance of the unexpired term.

(b) Less than one year but 90 days or more after the vacancy occurs, then the board of county commissioners shall appoint a person to fill the vacancy for the remainder of the term of office.

(c) Less than 90 days after the vacancy occurs, the vacancy shall not be filled.

(2) For purposes of this section 4.50, "term of office" means the term of office of the last person elected to the office which is vacant.

(3) In the event of a vacancy in an elective office, the board shall by ordinance prescribe procedures to designate an interim occupant of the office. The person so designated shall serve as acting chair, commissioner, [sheriff] or auditor, as the case may be, until the office is filled by election or appointment, as appropriate under section 4.50(1).

6.50. Sheriff.

[The people of Multnomah County shall elect a county sheriff for] **The board of county commissioners shall appoint a county sheriff who shall be the head of the Sheriff's Department and perform** the function of said office as prescribed by state law and he or she shall have sole administration of all county jails and correctional institutions located in Multnomah County.

BALLOT MEASURE D

BALLOT TITLE CAMPAIGN FINANCE

Caption: Limits contributions, expenditures, requires disclosure in Multnomah County candidate elections.

Question: Should charter require certain funding disclosures, limit contributions, expenditures by individuals and certain entities to support/oppose candidates for county offices?

Summary: Creates charter provision, implemented by county ordinance, operative September 2017:

1. Limits Contributions, Expenditures to support or oppose Candidates for Multnomah County elected offices:
 - Limits Contributions received by Candidate, Candidate Committee per Election Cycle to:
 - from any Individual: \$500
 - from any Political Committee: \$500
 - Allows formation of Small Donor Committees, limits Contributions they may accept to \$100 or less per Individual person per year. No limits on a Small Donor Committee's Contributions to Candidates or Independent Expenditures.
 - Requires Entity that spends more than \$750 per election cycle on Independent Expenditures register as a Political Committee, requires reporting of the sources of its funding.
 - Limits Independent Expenditures in any County Candidate race to:
 - \$5,000 per Individual
 - \$10,000 per Political Committee, but only from contributions by Individuals of \$500 or less per year

2. Requires each Communication (defined) to voters related to County Candidate Election prominently disclose five largest true original sources of funding (in excess of \$500) for the Communication.
3. Provides civil fine for violations. Includes definitions.

Explanatory Statement:

This measure creates a new Charter provision placing limitations on:

- (1) Contributions to political campaigns for candidates running for county elective offices.
- (2) Independent Expenditures in support or opposition to any Candidate for a county elective office.

The measure also requires that each Communication to voters related to a Multnomah County Candidate Election prominently disclose the five largest true original sources of funding (in excess of \$500) for the Communication.

The measure is to be implemented by county ordinance operative not later than September 1, 2017.

Provisions:

The measure:

1. Limits Contributions and Expenditures to support or oppose Candidates for public office in Multnomah County elections:
 - Limits Candidate or Candidate Committee to receiving only these Contributions per Election Cycle:
 - from any Individual: \$500
 - from any Political Committee: \$500
 - Allows formation of Small Donor Committees, which may accept contributions only in amounts of \$100 or less per Individual person per calendar year. Imposes no limits on a Small Donor Committee's contributions to Candidates or Independent Expenditures, as long as it complies with the \$100 per Individual per year limit on its incoming contributions.

- Requires any entity that spends more than \$750 per Election Cycle on Independent Expenditures to register as a Political Committee, which requires reporting of the sources of its funding and its expenditures to the state ORESTAR system.
- Limits Independent Expenditures in any Multnomah County Candidate race to:
 - \$5,000 per Individual
 - \$10,000 per Political Committee, but only from contributions to the Political Committee by Individuals of \$500 or less per Individual per calendar year
- 2. Requires that each Communication (defined) to voters related to a Multnomah County Candidate Election prominently disclose the five largest true original sources of Contributions and/or Independent Expenditures in excess of \$500 each that funded the Communication.
- 3. Violations are subject to a civil fine of not less than two and not more than twenty times the amount of the unlawful Contribution, Expenditure or Independent Expenditure.
- 4. Allows Individuals to make Contributions by payroll deduction, if the employer agrees or institutes payroll deductions for any other purpose.
- 5. Includes adjustments for inflation on January 1 of each odd-numbered year.
- 6. Includes a severability clause to preserve the operation of all constitutionally valid elements of measure, should any portion be judicially determined to be unconstitutional.

Definitions:

"Contribution" and "Expenditure" are defined in state law, with some exceptions added in this measure. State law defines "Political Committee", "Candidate", and "Candidate Committee". Other terms defined in the measure include: "Communication", "Election Cycle", "Entity", "Individual", "Membership Organization", "Small Donor Committee".

"Election Cycle" is defined generally is the period between elections for the same office, disregarding intervening primary, nominating, recall, or vacancy elections; a different period is used for recall and special elections for vacancies.

Text of Charter Amendments for Ballot Measure D – Majority Vote Required
[*Bracketed and italicized*] language is deleted. **Bolded** language is new.

11.60 Limitations on Campaign Contributions and Expenditures.

(1) Contributions in Multnomah County Candidate Elections.

- (a) An Individual or Entity may make Contributions only as specifically allowed to be received in this Section.**
- (b) A Candidate or Candidate Committee may receive only the following contributions during any Election Cycle:**
 - (A) Not more than five hundred dollars (\$500) from an Individual or a Political Committee other than a Small Donor Committee;**
 - (B) Any amount from a Small Donor Committee; and**
 - (C) No amount from any other Entity.**
- (c) Individuals shall have the right to make contributions by payroll deduction by any private or public employer upon the employer's agreement or if such deduction is available to the employees for any other purpose.**

(2) Expenditures in Multnomah County Candidate Elections.

- (a) No Individual or Entity shall expend funds to support or oppose a Candidate, except those collected from the sources and under the Contribution limits set forth in this Section**
- (b) An Entity shall register as a Political Committee within three (3) business days of making aggregate Independent Expenditures exceeding \$750 in any Election cycle to support or oppose one or more Candidates in any Multnomah County Candidate Election.**
- (c) Only the following Independent Expenditures are allowed per Election Cycle to support or oppose one or more Candidates in any particular Multnomah County Candidate Election:**
 - (A) An Individual may make aggregate Independent Expenditures of not more than five thousand dollars (\$5,000).**
 - (B) A Small Donor Committee may make Independent Expenditures in any amounts from funds contributed in compliance with Section (1) above.**

- (C) A Political Committee may make aggregate Independent Expenditures of not more than ten thousand dollars (\$10,000), provided that the Independent Expenditures are funded by means of contributions to the Political Committee by Individuals in amounts not exceeding five hundred dollars (\$500) per Individual per year.

(3) Timely Disclosure of Large Contributions and Expenditures.

Each Communication to voters related to a Multnomah County Candidate Election shall prominently disclose the Individuals and Entities that are the five largest true original sources, in excess of \$500 each, of the Contributions and/or Independent Expenditures used to fund the Communication.

(4) Implementation and Enforcement.

- (a) The provisions of this Section shall be operative not later than September 1, 2017.

- (b) Each violation of any provision in this Section shall be punishable by imposition of a civil fine, which is not less than two or more than twenty times the amount of the unlawful Contribution or Expenditure or Independent Expenditure.

(5) Adjustments.

All dollar amounts shall be adjusted on January 1 of each odd-numbered year to reflect an appropriate measure of price inflation, rounded to the nearest dollar.

(6) Severability.

For the purpose of determining constitutionality, every subsection, and subdivision thereof of this Section, at any level of subdivision, shall be evaluated separately. If any section, subsection or subdivision at any level is held invalid, the remaining sections, subsections and subdivisions shall not be affected and shall remain in full force and effect. The courts shall sever those sections, subsections, and subdivisions necessary to render this Section consistent with the United States Constitution and with the Oregon Constitution. Each section, subsection, and subdivision thereof, at any level of subdivision, shall be considered severable, individually or in any combination.

(7) Definitions.

Unless otherwise indicated by the text or context of this Section, all terms shall have the definitions at Chapter 260 of Oregon Revised Statutes, as of November 8, 2016.

Terms found therein or defined below are capitalized in this Section.

- (a) "Candidate Committee" has the meaning set forth at ORS 260.039 - 260.041, as of November 8, 2016, for the term "principal campaign committee."
- (b) "Communication" means any written, printed, digital, electronic or broadcast communications but does not include communication by means of small items worn or carried by Individuals, bumper stickers, signs smaller than 6 square feet, or a distribution of five hundred (500) or fewer substantially similar pieces of literature within any 10-day period.
- (c) "Contribution" has the meaning set forth at ORS 260.005(3) and 260.007, as of November 8, 2016, except it does not include (1) funds provided by government systems of public funding of campaigns or (2) providing rooms, phones, and internet access for use by a candidate committee free or at a reduced charge.
- (d) "Election cycle" means:
 - (A) Generally, the period between an election at which a candidate is elected and the next election for that same office, disregarding any intervening primary or nominating election, any recall election, or any special election called to fill a vacancy.
 - (B) For any recall election: the period beginning the day that the recall election is called or declared and ending at midnight of the day of the recall election.
 - (C) For any special election called to fill a vacancy: the period beginning the day that the special election is called or declared and ending at midnight of the day of the election.
- (e) "Entity" means any corporation, partnership, limited liability company, proprietorship, or other form of organization which creates an entity which is legally separate from an Individual.
- (f) "Expenditure" has the meaning set forth at ORS 260.005(8) and 260.007, as of November 8, 2016, except that it does not include Communication to its members, and not to the public, by a Membership Organization not organized primarily for the purpose of influencing the outcome of contests.
- (g) "Individual" means a citizen or resident alien of the United States entitled to vote in federal elections; however, when this Amendment expresses a limitation or prohibition, "Individual" means any human being.
- (h) "Membership Organization" means an incorporated or unincorporated nonprofit organization having members who pay dues or otherwise affirmatively join and support the organization.

- (i) **"Multnomah County Candidate Election"** means an election, including a primary election, to select persons to serve (or cease serving) in public offices of Multnomah County.
- (j) **"Small Donor Committee"** means a Political Committee which cannot accept Contributions in amounts exceeding one hundred dollars (\$100) per Individual contributor per calendar year.

BALLOT MEASURE E

BALLOT TITLE

APPOINTMENT OF CHARTER REVIEW COMMITTEE MEMEBERS

- Caption:** Amends charter review committee appointment process, sets appointment, convening timelines.
- Question:** Shall Office of Citizen Involvement create charter review committee candidate pool, sets timelines for application, appointment, convening committee?
- Summary:** The Office of Citizen Involvement (OCI) will be responsible to inform residents of the county of the purpose of the charter review committee and the opportunity to serve on the committee, and will endeavor to produce a diverse pool of applicants to serve on the committee. The OCI will forward all applications to the appropriate State senator or representative. The current process for appointment to the committee by State senators and representatives representing senate districts located in Multnomah County will remain the same. The proposed amendment: 1) changes the date by which appointments to the committee must be made from August 30 to August 15; 2) adds a requirement that the committee convene its first meeting in September 2021, and every six years thereafter; 3) specifies OCI shall convene the meetings of the committee; 4) requires the board of county commissioners appropriate sufficient funds for OCI to carry out these duties; 5) removes requirement that vacancies on the committee be filled by the senator and representative who had the authority to make the original appointment.

Explanatory Statement:

This measure proposes changes to Chapter 12.40 of the County Charter, which establishes the process for appointment of the members of the Charter Review Committee (CRC), and adds administrative requirements.

The measure adds five requirements to the appointment process: 1) requires the Office of Citizen Involvement (OCI) to inform residents of the County of the purpose of the CRC, and the opportunity to serve on the committee; 2) requires the OCI endeavor to produce a diverse pool of candidates; 3) requires OCI to begin accepting applications to serve on the CRC January 1, 2021, and every six years thereafter; 4) requires OCI to deliver any application to serve on the CRC to the state senator and/or state representative who represents the applicant by April 1, 2021, and every six years thereafter; 5) changes the date by which the state senators and

representatives must make their appointments to the CRC from August 30 to August 15, 2021 and every six years thereafter.

The measure deletes the procedure for filling a vacancy, meaning the charter will not provide for filling a vacancy.

The measure adds two administrative requirements: 1) the committee must convene its first meeting in September 2021, and every six years thereafter; and 2) OCI shall convene the meetings of the committee.

The measure requires the board of county commissioners to appropriate sufficient funds for the OCI to carry out the duties specified.

Text of Charter Amendments for Ballot Measure E – Majority Vote Required
[Bracketed and italicized] language is deleted. **Bolded** language is new.

12.40. Appointment Of Committee Members.

The charter review committee shall be composed as follows:

- (1) The committee shall have two electors appointed from each senatorial district having the majority of its voters within Multnomah County, and shall have one elector appointed from each senatorial district having less than a majority of its voters within Multnomah County. The committee shall choose their chairperson from among themselves and shall have authority to establish their own procedures and organization.

(2) The appointment of electors shall proceed as follows:

- (a) **On January 1, 2021, and every six years thereafter, the Office of Citizen Involvement shall begin accepting applications for electors. The Office of Citizen Involvement shall take reasonable steps to inform the residents of Multnomah County of the purpose of the charter review committee and the opportunity to serve on the committee, and shall endeavor to produce a diverse pool of applicants. Only residents of Multnomah County are eligible to serve on the charter review committee.**
- (b) **On April 1, 2021, and every six years thereafter, the Office of Citizen Involvement shall deliver each application to the state senator who represents the applicant.**
- (c) The state senator and the two state representatives who represent residents in each state senate district located in Multnomah County shall **have until August 15, 2021, and every six years thereafter,** to appoint the electors for the district. Appointees shall reside in the district and Multnomah County. If the three appointers from any senate district cannot agree upon an appointment, any two of the three appointers may make the appointment.

[a]

[b]

- (d) [3] If two electors are appointed from a senate district, they shall not be registered in the same political party.

[4] (3) The following persons are not eligible for appointment to the committee: the state senators and state representatives who represent districts located in Multnomah County,

the members of the Multnomah County board of county commissioners, and the chair of the board, if any, serving at the time of appointment.

[(5) Any vacancy in the committee shall be filled by the senator and representatives from the senate district who had authority to make the original appointment.

(6) Original appointments shall be made by August 30, 2003, and every six years thereafter.]

(4) The committee shall convene its' first meeting in September 2021, and every six years thereafter. The office of Citizen Involvement shall convene the meetings of the charter review committee.

(5) The board of county commissioners shall appropriate sufficient funds for the Office of Citizen Involvement to carry out its duties herein.