
VIA EMAIL AND CERTIFIED MAIL

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November 8, 2024

Dear Chief Petitioner,

The county has reviewed MultCoInit-11, filed on November 4, 2024, to determine whether it complies with Article IV, section 1(2)(d), of the Oregon Constitution, Article VI, section 10, of the Oregon Constitution, ORS 203.725(2), and Multnomah County Code (MCC) 5.100.

MultCoInit-11 appears to be substantially similar to MultCoInit-10, with the exception of the addition of a date to Section 12.81 and a cross-reference to that provision in Section 12.89. Given the similarities, the county's determination for MultCoInit-11 is the same as it was for MultCoInit-10.

The county has concluded that MultCoInit-11 includes “the text of the county legislation proposed.” MCC 5.100(A). However, for the reasons explained below, the county has concluded that the prospective petition does not meet the single subject requirement of Article IV, section 1(2)(d), of the Oregon Constitution and MCC 5.100(C); the separate vote requirement of Article VI, section 10, of the Oregon Constitution and ORS 203.725(2); or the requirement in Article VI, section 10, of the Oregon Constitution and MCC 5.100(C) that the proposal be legislative.

Under Article IV, section 1(2)(d), of the Oregon Constitution, an initiative petition must embrace “one subject only and matters properly connected therewith.” MultCoInit-11 covers more than one subject and includes matters not properly connected to the unifying principle of creation and administration of a new insurance and indemnification requirement. Section 12.86 covers the additional subjects of countywide budgeting and finance, and restructuring and limiting county budgeting and finance decisions for unrelated county programs is not properly connected to the creation and administration of a new program.

MultCoInit-11 also runs afoul of the more stringent separate vote requirement stemming from Article VI, section 10, of the Oregon Constitution and ORS 203.725(2), which provides that two or more substantive changes to the charter that are not closely related must be submitted separately to the voters. The changes that MultCoInit-11 would make by putting into the charter new restrictions on countywide budgeting and revenue raising, and overriding existing expenditure restrictions, are not closely related to the creation and implementation of the new program.

Article VI, section 10, of the Oregon Constitution and MCC 5.100(C) also require that an initiative petition be legislative, rather than administrative. Section 12.86 of MultCoInit-11 includes administrative elements because it mandates a particular expenditure of county financial resources to fund the new program, to the

exclusion of all other county programs, rather than establishing general policies applicable to expenditure of county funds.

Under ORS 250.168(4), you may petition the circuit court seeking to overturn this determination. The petition must be filed not later than the seventh business day after today's date.

A handwritten signature in black ink, appearing to read "Tim Scott". The signature is written in a cursive, somewhat stylized font.

Tim Scott, Director
Multnomah County Elections