

City of Portland Charter Amendment

2024 GENERAL ELECTION

Measure 26-250: Independent Election Commission

OFFICIAL TITLE: Amends Charter: Adds Independent Portland Elections Commission.

QUESTION: Shall Charter be amended to add Independent Portland Elections Commission to oversee public financing of elections, other election-related programs?

REFERRAL: This measure is a Charter amendment referred to voters by the Portland Charter Commission on December 3, 2022.

FINANCIAL IMPACT: The City Budget Office determined the measure has no direct financial impact.

PROBABLE RESULT OF A “YES” VOTE: If this measure passes, the Portland Elections Commission would be added to the City Charter, and only subject to amendment by an affirmative vote of the majority of voters.

PROBABLE RESULT OF A “NO” VOTE: If this measure fails, then the Portland Elections Commission will not be included in the Portland Charter and will be subject to amendment by the City Council.

BACKGROUND: The Portland Elections Commission (PEC) is a volunteer commission that currently oversees the Small Donor Elections program (SDE), which seeks to “reduce the influence of money in politics and encourage the election of people to City office who are reflective of and accountable to all Portlanders.” The PEC is established by code, which can be amended by the Portland City Council.

The PEC became concerned that there was a potential conflict of interest in being established by the City Code, and that such a conflict of interest could interfere with the integrity of elections, and weaken programs, including the SDE program. The PEC noted that public financing of elections programs such as the SDE program have been weakened in the past by elected officials “refusing to adequately fund it, installing allies in the staffing or oversight commission positions, changing the rules to benefit certain candidates, or blocking the enforcement of penalties,” and therefore impeding the freedom of elections. From this concern, the predecessor agency to the PEC proposed this amendment to the Charter Commission to establish the independence of the PEC from the City Council.

PROPOSAL: This measure proposes adding the Portland Elections Commission to the City Charter, which would mean that the authorizing legislation for the PEC could only be amended by a majority of Portland voters, rather than being amended by the

City Council.

If this measure passes, the PEC would implement the public financing of Portland's elections program. It could have any other election or campaign finance-related law or program delegated to it. The PEC would continue to consist of nine City residents, as it does now, appointed by the Mayor and confirmed by the City Council. The Council would continue to determine the PEC's budget.

SUPPORTERS SAY:

- An independent election commission creates fairer and more ethical elections by removing elections and ethics programs from the control of elected officials, including the Portland City Council.
- By putting all election matters in one place, an Independent Election Commission makes it easier for community-based organizations, campaigns, and Portlanders to navigate and access election-related matters.
- This measure upholds the importance of average people in elections by putting Small Donor Elections in the hands of an Independent Elections Commission.

OPPONENTS SAY:

- Putting an election commission in the City Charter would make it difficult for the new City Council to change the Elections Commission quickly when needed.
- A commission created by this proposal would not be subject to the control of the elected City Council representatives, but would instead be controlled by unelected persons.
- The language authorizing this change could give the unelected commissioners more power than they now have.