

**ORDINANCE No. 189348**

\* Authorize changes to City Code to implement Campaign Finance in Candidate Elections Charter amendment and request initiation of validation action (Ordinance; add Code Chapter 2.10)

The City of Portland ordains:

Section 1. The Council finds:

1. An initiative petition amending the City's Charter to regulate campaign contributions and expenditures in City candidate elections qualified for the November 6, 2018 ballot.
2. The initiative petition was passed by City voters, with 87.4% of voters voting in favor of the Charter amendment. The Charter amendment becomes operative by its terms on September 1, 2019.
3. The Campaign Finance in Candidate Elections Charter amendment was added to the Charter at Chapter 3, Article 3.
4. This ordinance implements the above-described Charter amendment.
5. There are concerns that Charter Chapter 3, Article 3 and this implementing ordinance may violate constitutional protections, including but not limited to Article I, section 8 of the Oregon Constitution and the First Amendment of the United States Constitution as an impermissible limitation on protected speech or association.
6. On March 6, 2018, the Multnomah County Circuit Court struck down several provisions of a substantially similar regulatory scheme in Multnomah County as impermissible under Article I, section 8 of the Oregon Constitution.
7. Council wishes to effect the will of the people in the most efficient and defensible way.
8. In light of these concerns, the Council requests the City Attorney to initiate a validation action pursuant to ORS 33.710(2)(e)-(g) in Multnomah County Circuit Court to determine the regularity and legality of this ordinance, including the constitutionality of the ordinance.
9. Notice of the validation action will be published by the City Attorney's Office at least once per week for three weeks, and interested parties will have an opportunity to appear and participate in the lawsuit in accordance with ORS 33.720.

NOW, THEREFORE, the Council directs:

- a. The City Attorney or the City Attorney's designee, on behalf of the City of Portland, shall file or join in a validation action proceeding to determine the regularity and

legality of this ordinance and shall see such action to conclusion, at trial and in any subsequent appeals.

- b. Chapter 2.10, attached as Exhibit A and incorporated by reference, is added to the Portland City Code.

Section 2. The Council declares that an emergency exists because delay in initiating a validation action proceeding would interrupt the City's timely implementation of the Campaign Finance in Candidate Elections Charter amendment; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: JAN 16 2019

**Mary Hull Caballero**  
Auditor of the City of Portland

By:



Deputy

City Auditor Mary Hull Caballero  
Prepared by: Maja K. Haium  
December 20, 2018

Agenda No. **189348**  
**ORDINANCE NO.**  
 Title

\*Authorize changes to City Code to implement Campaign Finance in Candidate Elections Charter amendment and request initiation of validation action (Ordinance; add Code Chapter 2.10)

<p style="text-align: center;"><b>INTRODUCED BY</b>                  Commissioner/Auditor:  <b>Mary Hull Caballero</b></p> <p><i>Mary Hull Caballero</i></p> <p style="text-align: center;"><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance &amp; Administration - Wheeler</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Hardesty</p> <p>Position 4/Safety - Eudaly</p> <p style="text-align: center;"><b>BUREAU APPROVAL</b></p> <p>Auditor's Office                  Approval: Mary Hull Caballero</p> <p>Prepared by: Mary Hull Caballero                  Date Prepared: January 7, 2019</p> <p>Impact Statement                  Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document                  If "Yes" requires City Policy paragraph stated in document.                  Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>✓ <b>City Auditor Office Approval:</b>                  required for Code Ordinances <i>Toni/Ku</i></p> <p>✓ <b>City Attorney Approval:</b> <i>MKH 1/10/19</i>                  required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date <b>January 16, 2019</b></p>	<p>CLERK USE: DATE FILED <u>JAN 08 2019</u></p> <p style="text-align: center;">Mary Hull Caballero                  Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u>                  Deputy</p> <p><b>ACTION TAKEN:</b></p>
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<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____                  (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input type="checkbox"/></p>
<p><b>REGULAR</b> <input checked="" type="checkbox"/></p> <p>Total amount of time needed: <b>20 minutes</b>                  (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Hardesty	3. Hardesty	✓	
4. Eudaly	4. Eudaly	✓	
Wheeler	Wheeler	✓	