

# SAVE 39th AVENUE

Web: [www.save39th.com](http://www.save39th.com)  
Email: [info@save39th.com](mailto:info@save39th.com)

Twitter: @Save39th  
AIM: Save39th

**FROM:** Eric Fruits, Ph.D.

**DATE:** June 1, 2009

**RE:** César E. Chávez Street Renaming Process: Failure to follow procedure and inadequate number of signatures

---

## SUMMARY

- The City has failed to follow procedures it established for validating petition signatures. A City Auditor memo describes precisely the procedure it would follow if multiple batches of petition signatures were submitted. When additional signatures were submitted the City did not follow those procedures.
- Among petition signers who are not registered voters, the City has made no effort to determine whether petition signatures belonged to legal residents of the United States of America.
- A statistically correct method to estimate the total number of valid signatures indicates that the estimated number of valid petition signatures (2,478) is less than the number required by City Code (2,500).
- Given the City's procedural errors, validation errors, and statistical errors, the only way to determine whether a sufficient number of valid petition signatures have been submitted is to validate all of the petition signatures submitted and to verify whether the signatures belong to legal residents.

## ANALYSIS

Portland City Code 17.93.030(C)(1) states that applicants for a street renaming must obtain a minimum of 2,500 signatures in support of the proposal from legal residents of the City at large.<sup>1</sup>

Attached are three files from the City of Portland:<sup>2</sup>

---

<sup>1</sup> Information regarding the street renaming process is available on the City of Portland website at <http://www.portlandonline.com/index.cfm?c=49742>.

<sup>2</sup> The Process Memo and the Batch 1 Memo were not made available to the public until May 29, 2009.



1. A memo describing the petition signature verification process dated September 22, 2008 (hereafter “Process Memo”);
2. Amended Batch 1 Verification Memo dated December 10, 2008 (hereafter, “Batch 1 Memo;” the City did not provide a copy of the memo that this one amends), and
3. Batch 2 and Final Verification Memo dated February 20, 2009 (hereafter, “Batch 2 Memo”).

The City validated signatures in two batches. Results from Batch 1 were reported on December 10, 2008. Results from Batch 2 were reported on February 20, 2009. The City added the Batch 1 estimates to the Batch 2 estimates (Table 1) to conclude that enough signatures had been collected ( $2,021 + 620 = 2,641 > 2,500$ ).

**Table 1**

	<b>Batch 1</b>	<b>Batch 2</b>
A. Total submitted petition lines	2,756	1,177
B. Sample for validation	300	300
C. Number deemed valid	220	158
D. Percent deemed valid (C ÷ B)	73%	53%
E. <b>Estimated total valid (A × D)</b>	<b>2,021</b>	<b>620</b>

### **The City did not follow its stated procedure for validating petition signatures**

The Process Memo (p. 2) states:

We will conduct residency verification on one random sample from the full population of petition sheets submitted.

...

Until the deadline, the applicant can gather and submit one additional batch of petitions to my office. Depending upon the number needed and provided, we will either draw a fresh sample from the entire population, or verify the new names and addresses, and report our analysis to the City Engineer. [emphasis added]

After Batch 1, the Chávez Committee submitted petition sheets on three separate days: January 23, 2009 (93 sheets), January 26, 2009 (7 sheets), and January 29, 2009 (1 sheet). Although the Chávez Committee submitted three additional batches of petition sheets, the Auditors office treated them as one batch.

The plain language of the Process Memo indicates that when Batch 2 was presented, the City would either (1) verify all the signatures in Batch 2, or (2) draw a sample from the entire set of signatures in Batch 1 and Batch 2 combined. This indicates that for validation purposes, the signatures are assumed to be from the same population. The City did not do either (1) or (2). Instead—in contradiction to its own stated policies—the City drew a new sample from Batch 2. This constitutes a critical procedural error.



**Among petition signers who are not registered voters, the City has made no effort to determine whether petition signatures belonged to legal residents of the United States of America**

Portland City Code 17.93.030(C)(1) states petition signatures must be from “legal residents of the City at large” [emphasis added].

It is likely that some petition signatures belong to City residents that are not legal residents of the United States. The City has indicated in correspondence that it did not take into account the fact that, at the time the petition signatures were validated by the City, illegal residents of the United States could hold valid Oregon drivers licenses, be enrolled in public schools, and/or own property in the City of Portland.

**The City’s estimate of the number of valid petition signatures is less than the number required by City Code**

The City’s procedural error has produced a potential fundamental statistics error. When the signatures come from a common population (e.g., all petition signers), a statistically correct method to estimate the total number of valid signatures is to combine Batch 1 and Batch 2, as shown in Table 2 below.

**Table 2**

	<b>Batch 1 &amp; 2 Combined</b>
A. Total submitted petition lines	3,933
B. Sample for validation	600
C. Number deemed valid	378
D. Percent deemed valid (C ÷ B)	63%
E. <b>Estimated total valid (A × D)</b>	<b>2,478</b>

**The combined Batch 1 and Batch 2 results indicate that not enough signatures have been collected (2,478 < 2,500).**

Because of the numerous errors in procedure, validation, and calculation, the only way to determine whether the number of valid petition signatures is sufficient is to validate all of the petition signatures submitted.

**ABOUT THE AUTHOR**

Dr. Eric Fruits is President of Economics International Corp. and an adjunct professor at Portland State University’s School of Urban Studies and Planning. He has taught graduate-level courses in econometrics (the application of statistical analysis to economics issues) and has published several peer-reviewed papers, each of which have included statistical and econometric analysis. Dr. Fruits has provided expert opinions involving statistics to United States federal and state courts and to an international criminal tribunal. Any opinions expressed in this memo are solely the author’s as an individual.



---

CITY OF

**PORTLAND, OREGON**

OFFICE OF THE CITY AUDITOR

---

**Gary Blackmer, City Auditor**

1221 SW 4<sup>th</sup> Ave, Room 140

Portland, Oregon 97204-1900

Phone: (503) 823-4808 Fax: (503) 823-4571

[www.portlandonline.com/auditor](http://www.portlandonline.com/auditor)

E-Mail: [gblackmer@ci.portland.or.us](mailto:gblackmer@ci.portland.or.us)

---

September 22, 2008

To: Tom Potter, Mayor  
Sam Adams, Commissioner  
Nick Fish, Commissioner  
Randy Leonard, Commissioner  
Dan Saltzman, Commissioner  
Linda Meng, City Attorney  
Steve Townsend, City Engineer

From: Gary Blackmer, City Auditor

Subject: Auditor's Office Verification of Street Renaming Petition Information

This memo is in response to a request by Commissioner Adams that the Auditor's Office verify street renaming petitions. City Code Chapter 17.93 places street renaming petitions under the authority of the City Engineer. The City Engineer has developed the street renaming petition sheets and application materials. According to the Code the applicant's primary City contact is the City Engineer and we believe that should continue to be the case throughout petition verification, for consistency.

I have heard directly from four of the five Council members and the Chief of Staff of the other that they agree with the following verification approach.

The methods we will use are not the same as those for initiative petitions and in many ways are less stringent. More exacting, labor intensive verification is possible but the other rules set forth for this process are not exacting and lack any penalties or other consequences for violations. To impose a high level of precision in petition verification would be disproportionate.

City Code Chapter 17.93 requires a street renaming applicant to obtain a minimum of 2,500 signatures in support of the proposal from legal residents of the City at large or signatures of at least 75% of the abutting property owners along the street proposed for renaming on the petition forms supplied by the City Engineer. We understand that the two current street renaming applicants will likely pursue the 2,500 at-large signatures.

The two petitioners have been told by the City that it will accept signatures from residents who are 16 or older. There is no database that contains all the names and addresses for this population. The five databases available to us are the property tax roll, voter registrations, Department of Motor Vehicle records, and verification of school district enrollment for David Douglas and Portland Public Schools. (We are awaiting a decision from Parkrose.) Age is not available in all these databases. Further, signatures cannot be consistently verified because these databases do not have them or make them available to us.

### Steps of Signature Count

1. Verification that every petition sheet has the correct street(s) to be renamed – reject any petition sheets with street(s) that do not match the street renaming application.
2. Random sampling of 300 signatures. We will conduct residency verification on one random sample from the full population of petition sheets submitted
3. Initial screening of the sample – examine each name and address of the sample for:
  - Legibility – reject illegible names or addresses
  - Location – using PortlandMaps to reject addresses outside Portland
  - Duplicates – one of the duplicates will be rejected
4. Reject if the remaining names and addresses do not appear on any of the following data sources:
  - PortlandMaps
  - Voter Registration data
  - DMV Records
  - school district enrollment records
5. Calculate the valid signatures – the percent of verified signers will be calculated and applied to the total number of submitted signers to determine whether 2,500 have been submitted. The sample size would provide 95% confidence in the sample with a precision of 4 to 5%.
6. Report to the City Engineer the results of our analysis. The Auditor’s Office will complete the verification process within thirty calendar days from receipt of the street renaming petition sheets.
7. Until the deadline, the applicant can gather and submit one additional batch of petitions to my office. Depending upon the number needed and provided, we will either draw a fresh sample from the entire population, or verify the new names and addresses, and report our analysis to the City Engineer.

### Issues to Note

We will be fair and consistent in our application of these procedures and how we address any unanticipated situations. However, the non-specific language in the City Code, combined with the inherent difficulties in any petition verification activity, create risks that need to be noted for these petitions and those in the future. City Council, the City Engineer, and the consultant hired to review the process should understand that:

- Some eligible signers will not be matched with any database, such as adults who recently moved from outside Portland and have not updated their voter registration or driver’s license information.
- The Auditor’s Office will review the petition sheets in a cursory manner for any obvious forgeries but cannot provide any assurance that a person is actually the signer of the petition.
- The databases provide some record of residency but cannot provide any assurance that a person is actually a resident of Portland.
- There is no appeal process to the Auditor’s Office for the petition verification decisions or results produced.



---

CITY OF

---

**PORTLAND, OREGON**

---

OFFICE OF THE CITY AUDITOR

**Gary Blackmer, City Auditor**

1221 SW 4<sup>th</sup> Ave, Room 140

Portland, Oregon 97204-1900

Phone: (503) 823-3546 Fax: (503) 823-4571

[www.portlandonline.com/auditor](http://www.portlandonline.com/auditor)

E-Mail: [Andrew.Carlstrom@ci.portland.or.us](mailto:Andrew.Carlstrom@ci.portland.or.us)

---

**MEMORANDUM**

**VIA EMAIL**

To: Kurt Krueger, Bureau of Transportation

From: Andrew Carlstrom, City Elections Officer

Date: December 10, 2008

CC: Marta Guembes, César E. Chávez Boulevard Committee

Re: Amended - Results of Street Renaming Petition Verification

**This memo changes the total accepted signatures to 220.**

On 10/27/2008, you submitted 226 completed street renaming petition sheets to the Auditor that you received from applicant Marta Guembes. On 10/31/2008, you submitted nine additional sheets that you received from Guembes. Per the 9/22/2008 memo to City Council, the Auditor has conducted verification of residency within 30 calendar days using the methodology described in the memo. Records were verified against tax records (PortlandMaps), DMV records, the voter roll, and school district records.

**VERIFICATION RESULTS**

Total submitted completed petition lines	2,768	
Less: 12 signatures from duplicate sheet	2,756	(10.24% more than 2,500)
Random sample:	300	
Verified valid sampled records:	220	
Success rate (%):	73.00%	(27.00% rejected)
<b>Calculated total signatures</b>	$220 \times (2,756/300) =$	<b>2,021 Valid Signatures</b>
Required Number of signatures:	2,500	
# of Signatures under requirement:	479	

**SUMMARY OF ACCEPTED SIGNATURES**

Valid Records from PortlandMaps, DMV, Voter Roll:	209
Valid Records from School Records	11
<b>Total Accepted Signatures</b>	<b>220</b>

**SUMMARY OF REJECTED SIGNATURES**

Not in PortlandMaps, DMV, Voter Roll, School Records	39
Outside of City of Portland	25
No first or last name	10
Insufficient Address	3
Illegible name	1
Same handwriting as other records	1
Duplicate in sample	1
<b>Total Rejected Signatures</b>	<b>80</b>

Per the 9/22/2008 memo to Council, the Auditor will process one additional batch for this street renaming petition. The second batch will be processed using the same methodology as the first, and the Auditor will have 30 calendar days after receipt of petition sheets to complete the verification. Depending on the number of signatures submitted for the second batch, the random sample size may be less than 300. The final number of valid signatures will be the sum of the calculated total signatures from the first batch plus the calculated total signatures from the second batch.

Please let me know if you have any questions.



---

CITY OF  
**PORTLAND, OREGON**  
OFFICE OF THE CITY AUDITOR

---

**Gary Blackmer, City Auditor**  
1221 SW 4<sup>th</sup> Ave, Room 140  
Portland, Oregon 97204-1900  
Phone: (503) 823-3546 Fax: (503) 823-4571  
www.portlandonline.com/auditor  
E-Mail: Andrew.Carlstrom@ci.portland.or.us

---

**MEMORANDUM**

**VIA EMAIL**

To: Kurt Krueger, Bureau of Transportation  
From: Andrew Carlstrom, City Elections Officer  
Date: February 20, 2009  
CC: Marta Guembes, César E. Chávez Boulevard Committee  
Re: Final Results of Street Renaming Petition Verification

**After completion of residency verification of the second batch of signatures submitted by the César E. Chávez Boulevard Committee, the total number of accepted signatures is 2,641.**

<b>Total valid signatures, Batch 1</b>	<b>2,021</b>
<b><u>Total valid signatures, Batch 2</u></b>	<b><u>620</u></b>
<b>Total valid signatures, Batch 1 + Bath 2</b>	<b>2,641</b>
Required Number of signatures:	2,500

**VERIFICATION RESULTS – BATCH 2**

In January 2009, a total of 101 petition sheets containing 1,177 completed lines were submitted to the Auditor by the César E. Chávez Boulevard Committee. On 1/23/2009, the César E. Chávez Boulevard Committee submitted 93 completed street renaming petition sheets to the Auditor. Seven additional sheets were submitted on 1/26/2009, and a final sheet was submitted on 1/29/2009. Per the 9/22/2008 memo to City Council, the Auditor has conducted verification of residency within 30 calendar days using the methodology described in the memo. Records were verified against tax records (PortlandMaps), DMV records, and the voter roll. School district records were not used for the second batch, as the total number of verified signatures had exceeded 2,500 after verification against the three other sources.

Total submitted completed petition lines	1,177
Random sample:	300
Verified valid sampled records:	158
Success rate (%):	52.67% (47.33% rejected)
<b>Calculated total signatures</b>	<b>158 x (1,177/300) = 620 valid signatures</b>



**SUMMARY OF ACCEPTED SIGNATURES – BATCH 2**

Valid Records from PortlandMaps, DMV, Voter Roll:	158
Valid Records from School Records	0*
<b>Total Accepted Signatures</b>	<b>158</b>

\*School Records not used for Batch 2 verification

**SUMMARY OF REJECTED SIGNATURES – BATCH 2**

Not in PortlandMaps, DMV, Voter Roll, School Records	102
Insufficient Address	22
Outside of City of Portland	7
No first or last name	7
Duplicates in sample	3
Illegible name	1
<b>Total Rejected Signatures</b>	<b>142</b>

The Auditor has completed timely residency verification on two batches of street renaming petition signatures as described in the 9/22/2008 memo to Council.

Please let me know if you have any questions.