



# Multnomah County Charter Review

## Equitable Representation Subcommittee

June 3, 2022, 12:30 – 2:00 pm

### SUBCOMMITTEE MEETING 8

Purpose: To discuss and vote on subcommittee recommendations

#### Attendees

##### Committee Members Present:

- Samantha Gladu (she/they)
- Annie Kallen (she/her)
- Timur Ender (he/him)
- Maja Harris (she/her)

##### Committee Members Absent:

- Jude Perez (they/them)

##### Staff:

- Kali Odell (she/her), Charter Review Committee Program Coordinator
- Katherine Thomas (she/her), Assistant County Attorney

In addition, members of the public were welcome to observe the meeting as non-participatory attendees. There were five observers at this meeting.

#### Welcome

Kali went over Zoom logistics.

#### Public Comment

Kali alerted the subcommittee that one person had signed up in advance to give public comment. She shared a link to the written comments received in the Zoom chat (Appendix A). She gave an overview of the process and invited other members of the public to raise their virtual hands if they wished to make a comment.

Carol Chesarek gave verbal public comment. She requested the subcommittee to define what members mean when talking about East Portland and East County. She expressed admiration that Annie presented the pros and cons of the voting method she supports, as well as other voting methods and makes comparisons between them. Carol felt there had not been much time for this type of comparison on other topics the subcommittee was considering, such as increasing the number of commissioners, multi-member districts, and eliminating primaries. She noted the Portland Charter Commission had two City Club reports and extensive outreach.

Carol said that the argument for multi-member districts focused on increasing representation for people of color. She referenced the written comment she had submitted to the subcommittee, showing Multnomah County's history of electing female candidates and a strong recent history of electing people of color. She said that data indicates the county has been beating More Equitable Democracy's projections and was concerned that changes would undermine the county's progress. She said that in transitioning to multi-member districts, women of color currently serving would be removed from the Board of Commissioners.

Carol said that the number of people represented by each county commissioner put Multnomah County in the middle of the pack and said that the county commissioners represent fewer people than Metro councilors. She also expressed concerns that strict campaign finance limits will hurt candidates' ability to buy ads and compete for attention with candidates running for national offices if primaries were eliminated. She said that it was really important for the Charter Review Committee to do its homework on proposed changes and was concerned there had not been sufficient time for these topics. She acknowledged the unintended consequences for Commissioner District 2 that came from the 2016 Charter Review Committee's amendment to allow commissioners to run for Chair without resigning as commissioners.

Timur responded that his interest in representation is not about who was serving on the Board of Commissioners, but in the electoral power of voters. He said that increasing the size of the Board and adopting multi-member districts was meant to increase the electoral power of groups like renters, people of color, who may not currently have the power to elect a candidate of their choice. That candidate could be a woman of color, but it might not be.

## **Subcommittee Recommendations**

The subcommittee reviewed the subcommittee recommendation form and agreed that Samantha would draft the form(s) after the meeting and then consult with members individually whether her draft(s) reflected the members' understanding of the discussion.

## **Noncitizen Voting**

Samantha said she had been considering the recommendation the subcommittee voted on at its last meeting to give noncitizens the right to vote in county elections. She was concerned about potential legal challenges and the narrow focus on expanding the right to vote to noncitizens instead of a broader focus that could include other groups, too. She thought that changing their recommendation to require Multnomah County to expand voting to the fullest number of people allowed by law would have better outcomes. She noted that a legal process could take up to three years to resolve and then at least a year would be needed for implementation, suggesting a four year implementation timeline made sense.

Annie said that the main change would be focused on expanding to the fullest extent allowed by law, which would let commissioners determine within a legal framework how far they could extend voting rights.

Maja said she was great with that change. Timur said he also supported it.

Katherine asked for clarification since she thought she heard two different things from Annie and Samantha. She said that if the subcommittee supported Samantha's proposal for broad language that the right to vote would be extended to the fullest extent allowed by law, then an implementation timeline created ambiguity since laws could change at any time in the future to allow more people to vote. She did clarify that if the state

changed laws to expand voting rights that preempted local law, Multnomah County would have to implement that regardless of what the Charter said.

Annie said that she thought they wanted to expand the franchise to noncitizens as much as possible and give four years to work through any legal challenges and implementation.

Katherine said the subcommittee should focus on clarifying its intent and whether it wanted to recommend specifically that noncitizens get the right to vote or that the right to vote shall be extended to the extent allowed by law. She said that if the subcommittee supported the latter, it would be up to the Board of Commissioners to implement and they would determine the implementation timeline.

Annie asked if they should recommend extending the right to vote to the fullest extent allowed by law, but also include “such as noncitizens.”

Maja said she thought they should include the word noncitizen since that was the subcommittee’s intent.

Kali summarized the recommendation the subcommittee planned to vote on: replace the subcommittee’s prior recommendation to extend voting rights to noncitizens with the recommendation that Multnomah County shall extend the right to vote to the fullest extent allowed by law, including but not limited to noncitizens.

Timur, Maja, Annie, and Samantha all voted yes.

## Voting Method

Annie presented her thoughts on ranked choice voting and why STAR voting is preferable. She said she used to support ranked choice voting and had reasons why she no longer did. She said that ranked choice voting does not prevent vote splitting. She cited simulations run by Dr. Warren Smith that ranked choice voting (instant runoff voting) performed worse than plurality plus top two voting, the method Multnomah County currently uses. She said that if there was a study that showed ranked choice doing better, she had not seen it.

Second, Annie said that ranked choice voting results are not transparent. She showed an example of what tabulated results looked like and said they were hard to follow, which reduced transparency. Using the example of how the subcommittee prioritized research topics at its previous meetings, she showed how results would have been different if they subcommittee had used ranked choice rather than score voting.

Annie also said she did not think ranked choice voting would be legal in Portland since it was spread across three counties. If it was not legal for Portland to adopt ranked choice voting, but Multnomah County did, that would effectively prevent Portland from implementing any other voting method in the future that had a contrasting ballot format. She thought it was better to wait and see what happened with Portland’s ranked choice voting proposal, as well as Gresham, which also had a charter review committee exploring this idea.

Annie also argued that ranked choice voting is not equitable. She said if there are a lot of candidates running against each other, the ballot may not have space for voters to give rankings to all of the candidates. She said that ballot exhaustion of around 10% was typical, which was often greater than the margin between the winner and the second place candidate. She also shared a link to a resource that she said showed data that the groups least likely to rank all candidates and have their ballots exhausted are African Americans, Latinos, voters with less education, and those whose first language is not English.

Annie laid out three proposals for how she thought the subcommittee should proceed. One would be to make no recommendation. Another would be to include a more general requirement in the Charter that required the use of a preference voting method that allowed voters to indicate support for multiple candidates, but left it up to the Board of Commissioners to decide what method to adopt. Or the subcommittee could recommend adopting Approval voting, which would be her preference. She acknowledged the subcommittee had not deeply discussed approval voting, which allows voters to select all the candidates they approve of and the candidate who is approved of by the most voters wins.

Samantha said that some of the cons that Annie presented for ranked choice voting were at odds with some of the positives the subcommittee discussed at earlier meetings.

Noting that there is no perfect voting method, Maja made a case in favor of ranked choice voting. She pointed out that it is used in over 50 cities in the U.S. and has been a popular voting method. She noted that it cannot deliver everything, it is used in single-winner elections, but she saw it as a method for voters to more fully express their preferences and she mentioned research that indicates it reduces negative campaigning. She acknowledged STAR is meant to do this, as well, but that ranked choice was gaining traction in the country, so there is precedent to see that it works, and exit polls have indicated that once they get used to it voters like ranked choice voting. She noted that polling in Portland from three different companies indicated this was a popular option and she thought it made sense to allow voters to have the simultaneous decision to decide to implement ranked choice voting in Portland and Multnomah County. She also argued if the Portland Charter Commission's proposal passed, Portland would fund most of the change to a new voting system.

Annie pointed out that polling indicates popularity, not necessarily the effectiveness of the method.

Samantha proposed the recommendation that Multnomah County shall conduct elections via ranked choice voting. She asked Katherine whether more detail was needed and whether there needed to be an implementation timeline included

Katherine recommended addressing implementation in the recommendation. The level of detail included was up to the subcommittee and depended how much of implementation it wanted to leave up to the county's Election Division.

Maja noted that the Portland Charter Commission's recommendation on ranked choice voting was more detailed because of its relationship to the commission's other recommendations. She noted that the timeline the Portland commission recommended was for implementation to begin immediately after passage and for the voting method to be used in the November 2024 election. She said the county did not need to be on the same schedule, but earlier than 2024 was probably not possible.

Katherine advised that there were other ways to address implementation besides incorporating a specific date, if the subcommittee was interested. She said that there might be barriers outside of the Election Division's control that could delay implementation, such as the availability of the necessary software.

Maja proposed 2026 as the timeline. She said that if the Portland Charter Commission's recommendations were adopted by voters, there would already be a lot of upheaval in that election, which might make 2026 a better time for the county to make its transition to ranked choice voting.

Katherine said the subcommittee could phrase it as “by 2026” to give the Elections Division more flexibility to decide when to make the transition.

Annie asked if the subcommittee had to make a decision about how many candidates voters would be able to rank. Allowing voters to rank a greater number of candidates would reduce the likelihood of exhausted ballots, but if there was a large number of candidates, the physical size of the ballot might limit how many a voter could rank.

Katherine responded that it was an option to leave it up to the Elections Division to determine in implementation. She said that the subcommittee might want to consult the Elections Director if it wants to recommend a specific limit.

Maja said she thought it was most common in the U.S. to allow up to five rankings, but said that was not what the Portland Charter Commission was recommending and her preference was to have as much consistency between the two jurisdictions as possible to reduce voter confusion.

Annie agreed that consistency was important and likely since city and county elections would be run by the same office. She thought both should allow voters as many rankings as possible.

The subcommittee voted on the concept: Multnomah County shall conduct elections via ranked choice voting by 2026. Samantha, Maja, and Timur voted yes. Annie voted no. Kali said the bylaws required two-thirds of subcommittee members present to vote in favor to move forward, and this vote met that threshold.

## **Number of Commissioners, Multi-Member Districts, Proportional Representation, and Electing Commissioners in the Same Cycle**

Samantha said she and Annie had been able to meet with four of the five Board members' offices to consult them about having all commissioners elected in the same cycle. She reported that there were strong feelings that change would be a mistake due to the loss of institutional memory when there was complete Board turnover. Samantha found this compelling and did not think that aligning all districts to be elected at the same time was a good idea. She said one idea that she discussed with a couple of offices that sparked interest was extending the chair's term to five years so that election did not always align with the same commissioner district.

Timur shared his proposal for increasing the number of commissioners and adopting proportional representation, which had been distributed as part of subcommittee materials ahead of the meeting. He said he had considered broader reaching changes, but settled for a simpler proposal that would keep existing county districts and elect three commissioners from each of the districts using proportional representation. He said implementation mattered and that they would need to make sure that not all of the seats were elected in 2024. He also noted the importance of voting method for implementation of multi-member districts, so he proposed that the two be connected on the ballot.

Annie said her gut instinct was that she was in favor of increasing the number of commissioners in principle, but she was concerned that they haven't had the time and ability to look at alternative options and understand potential unintended consequences. She appreciated Timur's thought out proposal, but thought she might prefer to have 12 commissioners in 12 districts and they did not have time to explore other options.

Maja said she also supported proportional representation on principle, but she thought there was likely only one shot at doing it. She would want to hear more from the community about experiences with current districts, opinion on alternatives, as well as look at numbers to figure out whether districts should be different and how many representatives there should be for each district. She said they did not have time to do all of that. She was also concerned about the challenges of applying ranked choice voting in multi-member districts, which was a more complex, detailed-oriented process that they would need to work out. She said she would be in favor of recommending the next Charter Review Committee look at this. She did not feel that the subcommittee had the time to make a strong recommendation now.

Annie shared that the Government Accountability Subcommittee had made the decision to recommend in the MCCRC's final report that the next Charter Review Committee explore topics that the current subcommittee had found interesting but did not have enough time to research and make a recommendation on.

Timur said that More Equitable Democracy had run numbers on different district compositions and found that three commissioners representing the county's existing four districts would already reap most of the potential gains in representation. He said that he felt there was too much concentration in too few hands in the county government. He would like to see his proposal in the hands of the full committee and ideally the voters. He thought that the current system did not work especially for East Portland and that this proposal would make county government a little more responsible.

Samantha said that she supported the principles that Timur had spoken about but agreed with Maja and Annie about not having enough time or community input.

The subcommittee voted on whether to increase the number of commissioners per district from one to three and use proportional representation to elect them. Timur voted yes. Maja, Annie, and Samantha voted no. The subcommittee did unanimously support recommending in the MCCRC's final report that the next Charter Review Committee research these topics further.

The subcommittee returned to the conversation about whether to address Commissioner District 2 being the only district that elected its commissioner in the same cycle as the Chair.

Maja said she did not support extending the Chair's term to five years. She said she did not like the current system, but in the absence of another solution she did not think they should recommend any changes, and instead recommend the next Charter Review Committee explore more options.

Annie said she was intrigued by the idea of extending the Chair's term, but did not feel they had the time to look into it, so she would support including a recommendation in the MCCRC's final report that the next Charter Review Committee consider this.

Samantha agreed. Samantha, Annie, and Maja affirmed that they thought a recommendation for the next Charter Review Committee to look into this issue further should be included in the MCCRC's final report. Timur was off camera and did not indicate either support or disagreement.

## APPENDIX A: ZOOM CHAT

- 00:20:05 Samantha Gladu: Here's the agenda: <https://multco-web7-psh-files-usw2.s3-us-west-2.amazonaws.com/s3fs-public/MCCRC%20Government%20Accountability%20Agenda%2006.01.22.pdf>
- 00:20:31 Samantha Gladu: Here's the agenda: <https://multco-web7-psh-files-usw2.s3-us-west-2.amazonaws.com/s3fs-public/MCCRC%20Government%20Accountability%20Agenda%2006.01.22.pdf>
- 00:22:41 Katherine Thomas (she/her): Here is the agenda: <https://multco-web7-psh-files-usw2.s3-us-west-2.amazonaws.com/s3fs-public/Equitable%20Representation%20Subcommittee%20Agenda%2006.03.22.pdf>
- 00:23:08 Samantha Gladu: thanks!!
- 00:23:55 Samantha Gladu: Also, we have Carol's written comment as well - thank you, Carol
- 00:27:24 Kali Odell (she/her): 3:00 minutes
- 00:28:17 Annie Kallen she/ her: Thanks Carol!
- 00:29:33 Kali Odell (she/her): This is the other public comment received for this meeting
- 00:36:29 Timur Ender (he/they): Quick note: timing of district 2 commissioner can be accomplished in the implementation part of multi member districts, if we want to go that route.
- 00:39:17 Maja Harris: "To the fullest extent of the law"
- 00:39:28 Timur Ender (he/they): sounds good to me
- 00:39:34 Maja Harris: +1
- 00:41:39 Samantha Gladu: Can you speak to how we can define implementation time in this recommendation? Or whether we should?
- 00:41:56 Timur Ender (he/they): that potentially could mean the franchise can't expand before 4 yrs.
- 00:42:25 Samantha Gladu: I'm picturing like this, and welcome wordsmithing: Multnomah County shall expand voting to the to the fullest extent of the law [implementation time]
- 00:42:39 Maja Harris: How about "expand the franchise to the fullest extent of the law as soon as possible"?
- 00:44:15 Samantha Gladu: Yes, to the extent possible
- 00:44:24 Timur Ender (he/they): yes ^
- 00:45:25 Maja Harris: Maybe something like "as expeditiously" as possible to indicate that the county should not drag its feet.
- 00:46:40 Samantha Gladu: Multnomah County shall expand voting to the to the fullest extent of the law (such as non-citizens)
- 00:48:23 Samantha Gladu: Replacing prior vote on this topic with: Multnomah County shall expand voting to the to the fullest extent of the law (including but not limited to non-citizens)

01:05:11 Samantha Gladu: Multnomah County shall conduct elections via Ranked Choice Voting

01:09:28 Samantha Gladu: Multnomah County shall conduct elections via Ranked Choice Voting [with the first election using ranked choice voting to happen in 2024]

01:14:16 Maja Harris: I like that.

01:14:22 Timur Ender (he/they): 12 commish plus 1 mayor in Nov 2024 (if city charter passes) special election in 2026 (6 ppl in 2 districts run for first 4 yr term)  
^ documenting what Maja said

I like by 2026

01:14:38 Samantha Gladu: Multnomah County shall conduct elections via Ranked Choice Voting by 2026

01:18:34 Maja Harris: +1 Annie

01:25:47 Katherine Thomas (she/her): <https://multco-web7-psh-files-usw2.s3-us-west-2.amazonaws.com/s3fs-public/MCCRC%20Multi%20Member%20District%20Proposal%20Shared%20by%20Timur%20Ender.pdf>

01:27:54 Kali Odell (she/her): Timur, you're breaking up on and off, so it might be helpful to try turning off your camera

01:39:11 Samantha Gladu: Increase representation in County districts from 1 member per district to 3 members per district.

01:43:24 Timur Ender (he/they): question: do we have another subcmte mtg?

01:43:40 Kali Odell (she/her): There aren't any more subcommittee meetings

01:44:07 Annie Kallen she/ her: Timur, you are breaking up

01:44:39 Annie Kallen she/ her: Might try turning off your screen to make the audio clearer.

01:44:40 Timur Ender (he/they): Thanks Samantha for the background on how you spoke with the Commissioners.

01:44:46 Samantha Gladu: Thank you! :)

01:45:25 Timur Ender (he/they): I like the idea of a 5 yr chair term but it sounds like there may not be time to take that up

01:45:59 Samantha Gladu: Agree, Timur!

01:48:08 Maja Harris: Thanks to our awesome co-chairs!!!