Multnomah County Charter Review Committee

June 28, 2022 5:30-7:00pm

COMMITTEE MEETING 13

Purpose: Hear public comment; review and discuss recommendations forwarded by subcommittees and gauge levels of group agreement on these recommendations.

Attendees

Committee Members

- Ana del Rocío (she/her)
- Annie Kallen (she/her)
- Danica Leung (she/her)
- Georgina Miltenberger (she/her)
- J'reyesha Brannon (she/her)
- Jude Perez (they/them)
- Maja Harris (she/her)
- Nina Khanjan (she/her)
- Samantha Gladu (she/they)
- Theresa Mai (she/her)
- Timur Ender (he/him)

Absent:

- Salma Sheikh (she/her)

- Ana González Muñoz (she/ella)
- Marc Gonzales (he/him)
- Donovan Scribes (he/him)

Staff:

- Dani Bernstein (they/them), Director of the Office of Community Involvement
- Kali Odell (she/her), Charter Review Committee Program Coordinator
- Katherine Thomas (she/her), Assistant County Attorney
- Allison Brown (she/her), JLA Public Involvement
- Jen Winslow (she/her), JLA Public Involvement

In addition, members of the public were welcome to observe the meeting as non-participatory attendees. There were 6 public attendees during the course of the meeting.

Welcome

Allison Brown, JLA Public Involvement, kicked off the meeting with an overview of Zoom logistics and etiquette. She reminded the committee of the group agreements. The Zoom chat can be found in the Appendix. Theresa Mai gave an overview of the agenda, which included public comment, discussing recommendations from subcommittees, and levels of group agreement on those recommendations.

Public Comment

Theresa introduced the public comment portion of the meeting and expressed the committee's excitement to hear from the community. Community members are welcome to submit written public comment or sign up for verbal comment prior to the meeting. Allison overviewed the public comment process.

- **Carol Chesarek:** I heard some comments at the last meeting about Portland Charter Review polling and want to caution against using that as an indication that measures will pass. I found several of the Portland poll questions to be misleading and they do not have cost estimations, which can impact their popularity. There also haven't been many voices opposing or pointing out flaws yet. Things may shift over time and there are some questions about whether Ranked Choice Voting (RCV) will be legal in Portland. Don't assume that Portland will cover the costs of RCV if it passes. Please keep in mind how RCV may impact persons of color, as that isn't clear.

  I'm unsure whether you will have time to get to changing Charter Review Committee member selection away from using senate districts, and I know you have several comments from rural residents who support staying with the legislative districts to ensure rural voices are heard and represented. I want to make clear that I speak on behalf of myself, despite also submitting a letter from my neighborhood association. We might know the transportation planners, but we don't get a lot of resources for rural roads based on funding.

  I'm concerned about the impacts eliminating the primary would have given our campaign finance limits. This would mean candidates would be running alongside state and congressional candidates who do not have campaign finance limits. It's easier to get messages out in May and if you switch to RCV, then voters will have to look at all candidates, and I'm concerned they will not have enough time to get all of the information they need.

- **Sol Mora:** I'm the Civic Engagement Manager at the Coalition for Communities of Color (CCC). CCC has been working to create a more representative and fair democracy in the Portland and Multnomah metropolitan regions. Communities that we serve don't feel represented in our local government and feel that elected officials don't represent them or their interests. The current "pick one" method used in Multnomah County asks voters to make difficult decisions and decide whether to use their vote for the candidate in the lead or risk wasting their vote on their preferred candidate. We believe our electoral system should provide a viable pathway for all communities to elect their preferred candidate. Today I testify on behalf of CCC to support RCV, which is a tested and proven voting method which creates a democracy more reflective of the people. Voters have an expanded range of candidates they truly want to represent them. By ranking their top preferences, voters cans see the process of how their ballot was used to the fullest extent possible. This avoids vote splitting and promotes coalition building among groups who can support multiple candidates. This enables a focus on broad issues, such as housing and climate justice, rather than individuals.

  The primary has low turnout of young voters, persons of color, low-income voters, and other marginalized groups. RCV increases voter turnout by allowing results in one election in which more voices can participate. Voters overwhelmingly report they understand RCV and the vast majority prefer

it once they've used it. An alternative method, STAR voting, is not used in the United States in any election, but RCV continues to gain usage across the country.

Kali outlined the written comments received prior to the meeting, which were in favor of STAR voting and a continuation of Charter Review Committee members chosen based on the geography of senate districts that overlap with Multnomah County. There were also responses from elected officials related to jail inspections.

Allison closed the public comment portion of the meeting.

Subcommittee Recommendations: Process, Review, and Discussion

Theresa Mai introduced the subcommittee recommendations, which would be a continuation of discussions of Ranked Choice Voting and increased jail inspections for commissioners. Some discussion and recommendations may move forward to the July 5 meeting, and some recommendations may not move forward.

Equitable Representation Subcommittee Recommendation:

Samantha opened the continued discussion on the recommendation of **adopting Ranked Choice Voting**, in which voters rank candidates in order of preference instead of voting for one candidate. The full recommendation form is available here. Within the subcommittee, there were three yes votes, one no vote, and one person absent. A brief review of the recommendation is as follows:

- Multnomah County will adopt Ranked Choice Voting by 2026.
- Intended to give voters more power and more choices.
- Intended to increase voter participation and encourage coalition-building.
- Intended to reward positive campaigning.
- Intended to elect candidates with the broadest possible public support.
- Intended to solve the "spoiler" issue and that no vote will ever be a "wasted" vote.
- Aligns with the values of inclusive democracy and innovation.

Potential fiscal impacts:

- Could potentially share with funds at city and state level.
- Voter education costs.
- Election machine and software certification.
- Additional ballot printing.
- Personnel costs.

Potential negative impacts:

- Opposition to RCV.
- Negative arguments from opponents.
  - Elections are also a hot topic throughout the country.
- Some people may miss out on education and find RCV confusing.

Samantha highlighted some of the groups who support RCV, such as CCC, Next Up Action Fund, NAYA Family Center, Forward Together Action, League of Women Voters, and other organizations. Equal Vote Coalition opposes RCV.

The subcommittee was interested in eliminating the primary and time elections for the general election. This was not included in the recommendation form, though, and the full committee would have to agree to amend.

Kali shared survey results from the community engagement effort with Espousal Strategies, which included a question about alternative voting methods:

- 268 responses to the survey.
- Most (91 respondents) fell into the 25-34 age group.
- Most were Black/African American (89 respondents) or white (81 respondents).
- Respondents came from varied socioeconomic status.
- Of those who chose to answer the question about alternative voting methods, 74 respondents preferred RCV, 62 the current voting method, 50 preferred STAR voting, and 23 had no opinion

Discussion:

- **Maja:** RCV is polling at around 70% support in at least two professional polls in Portland. The cost in Portland would be between $4-5.9 million, [1] which would include the new technology. There would be significant efficiencies and savings in doing this at a county and city level at the same time. I reviewed a letter from the Secretary of State to the Portland Charter Commission that I interpreted as alleviating the concerns that RCV would be outright illegal in Portland. Forty-three jurisdictions have used RCV, some of which are large and complicated. They have been able to successfully implement RCV and have favorable exit polls from voters.
- **Annie:** There are a couple of points on the subcommittee recommendation form that are incorrect. RCV does not elect candidates with the broadest possible public support, does not solve the spoiler effect, and does not guarantee that votes won't be wasted. Sol was correct that this "mitigates" the spoiler effect but does not solve it. Plurality plus runoff also mitigates this, and we are already using this in the county. RCV would not be an improvement when they both mitigate the spoiler effect at the same rate. This is a complicated subject, and just because something feels like it's working, doesn't mean it IS working. We haven't had enough time to discuss this is full depth. We need a better voting method, but RCV isn't it.

Allison asked the group if they had any questions about RCV.

- **Danica:** I have found research to be more muddled than I anticipated, but I still think RCV would be a better choice than what we currently use. There are questions about the prevalence of vote splitting and wasted votes. STAR voting doesn't figure in second choices for candidates still in the running at the end. I want to see how prevalent these and other scenarios are in common elections. I also want to see how this would be implemented in Portland.
  - **Maja:** I want to push back against the complexity factor and assertion that there isn't enough time to discuss this. The way RCV has been adopted in most jurisdictions is through a signature petition. We usually don't have the benefit of comprehensive education initiatives, which has already started due to the Portland Charter Commission. There are efficiencies and savings in aligning with Portland and having partial funding of the system. It's important to note that if we are going to send this to voters, now is the time that they will get significantly more education.

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[1] This estimate is from the Portland Charter Commission's 6th progress report and encompasses the costs of other reforms that the Portland Charter Commission is proposing an the MCCRC is not.

- **Ana dR (from chat):** I think the voters ought to be given the opportunity to engage with this subject matter more deeply, and advocates ought to be permitted to make their arguments more publicly, so I am leaning towards a yes vote.

Other members of the committee agreed they were also leaning toward a "yes" vote.

Allison initiated a fist of five to see how the group felt about moving the recommendation forward. Most of the group answered five, followed by a four and a couple threes.

She asked what information would be needed for those who answered three or fewer.

- **Danica:** Whether RCV benefits voters of color and candidates of color. There is some information stating that ESL immigrants specifically would suffer from this. Also, gaming the system in how people might rank or score their votes or use vote splitting. How would this impact candidates?
  - **Samantha:** I know there is conflicting information out there, but I would center the BIPOC groups in support of RCV who are advocating for it. As far as gaming the system, voters can only rank one time. It's a clear opportunity to rank which candidates are preferred. There may be some instances when a voter may not know about RCV, but there will be so many opportunities for education prior to voting.
- **Annie:** RCV was shown to backfire 15% of the time in elections with three or more viable candidates. That increases with more candidates. All voting methods can be gamed.
- **Maja:** The communities that are using RCV have seen increases in women and BIPOC representation. In NYC, it was used in the mayor and council elections resulting in the most diverse city councils ever. The research that exists to date shows that voters of color tend to use the method more thoroughly and rank more candidates, which illustrates a lot of the buy-in of communities of color. I agree that there is no perfect voting system, but I think voter sabotage is rare.

Allison asked Samantha which questions would need more clarity for the committee to move forward with the recommendation.

- **Samantha:** We would need to specify whether the full committee agrees with eliminating the primary. RCV would mean everything is decided at one election. There's a question of adding more specificity with the language of implementation by 2026, and we could leave the tiebreaker as is.

Katherine indicated that the group would have to have clarity on outstanding questions in order to vote at that time.

- **Maja:** The reason we are proposing eliminating the primary is because RCV already has a built-in runoff feature. The general election has a much larger voter turnout. This would also reduce some costs.
- **Timur:** What does tiebreakers "as is" mean?
  - **Samantha:** It would mean drawing lots, such as a card or piece of paper, and whatever is called in advance of them drawing is the winner. It is similar to flipping a coin.
  - **Katherine:** That is a current method in the charter for resolving ties. Do you want to modify that to make clear that that will be way of resolving a tie at any round at any level?

The group agreed that they were ready to move forward with voting.

Allison initiated a formal vote on advancing the Ranked Choice Voting recommendation forward, with the added language of eliminating the primary. This would be adopted by 2026, and the tiebreaker would remain the same, implemented in any elimination round where a tie occurs. Katherine added an appendage that in the case of a vacancy a single election would still occur.

Nine members voted yes, one voted no, and there was one abstention. The recommendation moved forward.

Safety and Justice Recommendation:

Nina Khanjan introduced the continued discussion on the recommendation **requiring members of the board of commissioners to inspect jail facilities with participation of constituents.** The full recommendation form is available here. Responses from elected officials on this issue are available here.

Nina said there was some clarification from the commissioners and sheriff, and there would be some proposed changes to the recommendation:

- The sheriff confirmed a background check would be required for people accessing jail facilities.
- The subcommittee felt that the language should be changed from "four visits" to "increased number" after hearing from members of the board of commissioners.
- Research shows constituents are one of the most important components to oversight.
    - Change from three constituents to "at least one" and have a clear public report that is coauthored by constituents.
    - There is currently no document that publishes information about visits, so commissioners and sheriff agreed this would be helpful.
- Community feedback showed high interest in having more jail oversight.
- Aligns with justice, inclusive democracy, and transparency values.

Fiscal impacts:

- Compensation for constituents has not been defined.

Potential negatives:

- The method by which constituents are chosen.
- Normalization of current jail conditions and standards.
- Scheduling challenges.
- Administrative requirements.

Discussion:

- **Ana dR**: (from the chat) suggested amended proposal:
  1) non-specific about the # of visits per year but just says "increases" (aka leaves room for more than 4 but no fewer than 2);
  2) makes sure constituents are added to each visit. More than one constituent is ideal, but can be "at least" one.
  3) makes clear a public report is to be produced from those visits that is a) co-authored by constituents who visited jails and b) published.
  Something like: "county shall increase number of annual jail inspections; include at least 1 constituent from each district represented on the visit; and culminate in a published and publicized written report

documenting [j]ail conditions and targeted recommendations."

We can always fine-tune language with Katherine, but for now I think green-lighting the above would give Katherine something to work with and captures where there is common ground now.

The subcommittee had many ideas that we engaged with, and this was one that [legal counsel] said was feasible to move forward with. Philadelphia has added a similar recommendation to their ballot for Charter amendment, and increased public visibility is occurring in different ways throughout the country. This could lead as an example towards more structured, community-led corrections oversight.

- **Danica:** Is there any language in the amendment about whether the visits can be unannounced?
  - o **Ana dR:** There was one commissioner who felt spontaneous visits would be great, but the sheriff said it was a safety concern.

Allison asked how the group felt about the current recommendation.

- **Theresa:** Can the commissioners go on their own, or do they have to be together for these visits?
  - o **Kali:** Currently they all do the inspections together and there are other times commissioners visit throughout the year. The sheriff tries to plan them together to minimize impacts on incarcerated people. It doesn't sound like the proposal would require them to go together, so there would be some flexibility there.
- **Nina:** One commissioner mentioned that a union representative is who gives a separate tour to commissioners, and they can ask more questions and get more information. That commissioner mentioned they would also like visits at night. We could also talk about different times because they are currently only during daytime hours.
- **Jude:** Do they speak to any of the people who are in jail?
  - o **Nina:** The sheriff said it's difficult to find folks in jail who are willing to do these, and the sheriff values their privacy.
- **Annie**: I'm not in support of increasing the number of visits but am in support of constituents. I also want to point out that this might have a traumatic element to it.
  - o **Nina:** I agree, but want to make sure everyone is being heard and seen. I'm more concerned about privacy.

Allison initiated a fist of five to see where the group felt about moving forward with this recommendation. Most were fours and fives, with a few twos.

Kali added that getting definitive language on what the group would be voting on would be helpful for those who still had questions. Nina asked for input and expressed concern about finding people willing to do interviews while incarcerated.

Allison asked the group if they wanted to move the recommendation to the July 5 meeting so there could be clarifications on questions prior to voting and the group agreed. Nina said she would have an updated recommendation by that point. The group agreed to pick up discussion at the next meeting.

Allison then asked which of the remaining subcommittee recommendations the group is most interested in exploring and voting on July 5:

Most of the group wanted discussion on the addition of the ombuds office, codification of the good government hotline, and the auditor's access to timely information and right-to audit clause.

Next Steps and Closing

Kali shared the plans for the last few meetings:

- Katherine asked for any feedback on language for expanding the right to vote to the fullest extent of the law and gender-neutral language over email.
- The order of discussion on July 5 will prioritize what the group is most interested in, and some topics may be ready to vote on. Some things may not move forward.
- Need to vote on draft language.
- July 5 will be final vote to advance any recommendations for drafting. Katherine will not be able to live-edit draft language at the July 20 meeting.
- Rough draft of final report will be shared prior to the meeting.

Theresa wrapped up the meeting and thanked everyone for attending.

Zoom chat: Appendix

Ana del Rocío: Thanks.

Timur Ender: Wishing you a quick recovery; sorry to hear Ana

Samantha Gladu: ^^

Danica Leung: I had COVID last meeting and it was awful, it is amazing you're still able to attend. Hope you get well soon ❤

Theresa Mai (she/her): You already know, Ana. But wishing you and your fam all the best!

Georgina Miltenberger (she/her): Feel better soon, Ana!!

Kali Odell (she/her): Committee members, if you have to step away, please let me know so we can monitor that we continue to have a quorum throughout the meeting.

Kali Odell (she/her): https://www.multco.us/crc/mccrc-upcoming-meetings

Samantha Gladu: recommendation: https://multco-web7-psh-files-usw2.s3-us-west-2.amazonaws.com/s3fs-public/Ranked%20Choice%20Voting%20Subcommittee%20Recommendation%20Form.pdf

Timur Ender (he/they): Samantha- can you speak to whether this proposal eliminates the primary or whether that is something we need to refine as part of this proposal assuming it moves fwd?

Annie Kallen she/ her: I bet a lot of people would like both RCV and STAR... This poll may be a victim of vote-splitting. ;)

Ana del Rocío (she/her): Love the complexity of perspectives. I think the voters ought to be given the opportunity to engage with this subject matter more deeply, and advocates ought to be permitted to make their arguments more publicly, so I am leaning towards a yes vote.

Timur Ender (he/they): ^that summarizes my opinion too.

Annie Kallen she/ her: It's easy to explain how to rank a ballot, but it's difficult to explain how your rankings will impact the outcome.

Annie Kallen she/ her: I recommend we give a future charter commission or other group the opportunity to study this more in depth.

Nina Khanjan she/her: Yes here

Annie Kallen she/ her: Fist of 5 is practically STAR voting btw. ;)

Samantha Gladu: My video is cutting out real badly!

Allison Brown: 1- no; 3- questions; 5- yes

Samantha Gladu: 5

Ana del Rocío (she/her): 5

Nina Khanjan she/her: 5

Maja Harris (she/her): 5

Theresa Mai (she/her): Welcome, Jude! We are discussing ranked choice voting. ☺

Annie Kallen she/ her: I think you're instinct is right. There are both benefits and downsides for POC in RCV.

Jude Perez: Thanks, Theresa! Apologies to everyone for being late.

Theresa Mai (she/her): No need to apologize!

Ana del Rocío (she/her): I second that, Samantha. I found the list of supporting orgs you provided compelling.

Annie Kallen she/ her: Study on RCV (aka IRV) backfiring: https://www.researchgate.net/publication/258164743_Frequency_of_monotonicity_failure_under_Instant_Runoff_Voting_Estimates_based_on_a_spatial_model_of_elections

Georgina Miltenberger (she/her): And ESL

Annie Kallen she/ her: Short answer: it happens 15% of the time in elections with 3 or more viable candidates.

Annie Kallen she/ her: RCV was invented 150 years ago FYI

Annie Kallen she/ her: For me the key is that RCV is not better at picking the most representative winner than plurality voting + non-instant runoff.

Theresa Mai (she/her): Tiebreakers?

Maja Harris (she/her): I think we should vote.

Ana del Rocío (she/her): I think we're ready to vote.

Samantha Gladu: I'm up for today :)

Theresa Mai (she/her): I can vote.

Samantha Gladu: Yes — tiebreakers as is, eliminate primary in favor of a single November election, and adopt RCV by 2026 (could be before!)

Ana del Rocío (she/her): Yes, Kali, I think we're ready to vote on the proposal Samantha just presented.

Georgina Miltenberger (she/her): Ready to vote

Theresa Mai (she/her): I'm ready to vote.

J'reyesha Brannon: I'm ready to vote too

Samantha Gladu: "Drawing lots"

Ana del Rocío (she/her): Which is what we do now, in that rare event.

Ana del Rocío (she/her): Yes

Jude Perez: Yes

Samantha Gladu: yes

Samantha Gladu: Perfect!

Ana del Rocío (she/her): Amended proposal:

      1) non-specific about the # of visits per year but just says "increases" (aka leaves room for more than 4 but no fewer than 2);

      2) makes sure constituents are added to each visit. More than one constituent is ideal, but can be "at least" 1.

      3) makes clear a public report is to be produced from those visits that is a) co-authored by constituents who visited jails and b) published.

      Something like: "county shall increase number of annual jail inspections; include at least 1 constituent from each district represented on the visit; and culminate in a published and publicized written report documenting mail conditions and targeted recommendations."

      We can always fine-tune language with Katherine, but for now I think green-lighting the above would give Katherine something to work with, and captures where there is common ground now.

Samantha Gladu: Love dogs

Samantha Gladu: And kids

Kali Odell (she/her): Responses from elected officials on this issue are on the committee's upcoming meetings page: https://www.multco.us/crc/mccrc-upcoming-meetings

Ana del Rocío (she/her): From Michele Dietrich at UT Austin:

      Last point for now: I strongly suggest that you NOT try to create an enforcement mechanism for this oversight body. This is something everyone creating oversight bodies starts out assuming they need to do, and

I think it is highly problematic for many reasons, counter-intuitively. You don't want the oversight body to become a supra-management entity, which is what happens when it can order changes. Keep the management responsibilities with the corrections agency and fiscal responsibilities with elected officials; let the oversight body's role be to bring transparency to what is happening inside and to make recommendations to those who have the power to make the changes happen. You can give the oversight body "teeth" by ensuring that the staff have access to the facility and to the information they need, and the power to write hard-hitting reports without fear of reprisal.

Annie Kallen she/ her: Based on the public testimony we received from the commissioners and the jail, I don't believe that increasing the number of visits would have the benefits we are hoping for, and it could cause some harm. I do like the idea of bringing constituents along however.

Ana del Rocío (she/her): Of BIPOC focus group notes, key highlights:

      1. oversight of the criminal justice system is the second-highest reported priority; and

      2. the ways members least tend to access county government is through public comment or by contacting their Commissioners' offices (indicating that we ought to take public comment from dominant culture groups and electeds with a grain of salt, accounting for possible bias towards the status quo); and

      3. no member of that focus group indicated they would not like to be involved with the county — which I think shows ripe conditions for creating additional pathways to involvement.

Annie Kallen she/ her: Great info Ana, thanks.

Ana del Rocío (she/her): Similarly to RCV, I think there is inherent value in forwarding this discussion to voters, who rarely get the chance to engage with the topic of jail conditions.

Timur Ender (he/they): ^Yes

Danica Leung: I would like to know more about how these visits can be planned so that they're somewhat authentic and not just a choreographed song and dance, but I do think that is something that can be hashed out later

Allison Brown: 1 - no, 3 - need more discussion/don't know, 5 - yes

Annie Kallen: Agreed Danica.

Timur Ender (he/they): 5.   I think this proposal has come a long way since last mtg. Thanks to those who worked on it.

Ana del Rocío (she/her): 5

Nina Khanjan she/her: 5

Jude Perez: 5

Danica Leung: Also if the three people who voted 2 could clarify their position that would be helpful!

Theresa Mai (she/her): It is 6:55, so we might lose quorum soon at 7pm. Just FYI for everyone.

J'reyesha Brannon: my computer is about to give out and I don't have a charger with me right now

J'reyesha Brannon: SO, if I disappear, its my computer

Annie Kallen she/ her: I like the idea of interviewing people who have left.

Danica Leung: Yes so that the three people who voted 2 could clarify their position that would be helpful!

Annie Kallen she/ her: Let's move to July 5

Timur Ender (he/they): ^Yes, and giving ppl an opportunity to have their questions in between meetings

Jude Perez: ^agreed

J'reyesha Brannon: Let's make sure the vote doesn't take too much time on July 5 though

J'reyesha Brannon: I know we have a lot to do!

Danica Leung: ^ agreed

Annie Kallen she/ her: good point

J'reyesha Brannon: Getting worried about this report y'all

Samantha Gladu: ^^

Ana del Rocío (she/her): Can we get a solid list of what those questions are?

Kali Odell (she/her): Please Cc me on questions you have about jail inspections in case we need to gather answers from county officials

Allison Brown:

- Addition of an ombuds office
- Charter review application and selection process
- Codification of Good Government Hotline
- Auditor's access to timely information and right-to-audit clause

Danica Leung: #3 and #4 for me

Samantha Gladu: 1, 3, 4

Annie Kallen she/ her: 2

Theresa Mai (she/her): 1, 3, 4

Ana del Rocío (she/her): Ombuds

Jude Perez: 1,3,4

Katherine Thomas (she/her): If you have comments or questions on the text that I put forward in advance of the next meeting, please share those with Kali.

Annie Kallen she/ her: actually, nevermind my 2. I was confused

Timur Ender (he/they): charter review app & selection

Nina Khanjan she/her: Ombudsperson

Maja Harris (she/her): Ombuds & charter committee selection

Annie Kallen she/ her: 3 for me

Georgina Miltenberger (she/her): 1,3,4

Maja Harris (she/her): Great work, everyone! We've accomplished a lot!

Annie Kallen she/ her: I have both on my calendar

Samantha Gladu: Thank you all!