

# CHARTER COMMISSION



## Expansion of Voting Rights Subcommittee Meeting

August 16, 2022



# Agenda

Section	Time
<b>Welcome &amp; subcommittee business</b>	10 min
<b>Referral Timeline</b>	10 min
<b>8.2.22 Commission Meeting Debrief</b>	15 min
<b>Review Subcommittee Work-to -Date</b>	10 min
<b>Voting Expansion Discussion</b>	40 min
<b>Next Steps &amp; Closing</b>	5 min
<b>Adjourn</b>	

# Potential Timelines

# Potential timeline for referral directly to voters

Election date for Commission-referred proposal for 2024	May 21 or Nov 5
Subcommittee Develops Recommendations with Community and Stakeholder input	Aug/Sept.
Full Commission Meeting	Aug. 30th
Community Listening Sessions	Sept 12th –17th
Subcommittees reconvene to revise proposals based on community input	Sept 19th –26th
Subcommittee Presents Recommendations to the Full Commission for its Consideration	Oct. 3rd.
Commission work session – deliberate and vote on recommendations to send for drafting	Oct. 10 <sup>th</sup> – 14 <sup>th</sup>
Commission meets to review the redlined version	Oct. 17 <sup>th</sup>
Ballots mailed for November 2022	Oct. 19 <sup>th</sup>
Election	Nov. 8 <sup>th</sup>
Notice of public hearings (two weeks before public hearing)	Nov. 3 <sup>rd</sup>
Release draft charter amendments (one week before public hearing)	Nov. 9 <sup>th</sup>
Public hearings	Nov. 16 <sup>th</sup> & 19 <sup>th</sup>
Public comment closes	Nov. 28 <sup>th</sup>
Commission reconvenes to deliberate based on public input – send revisions to City Attorney	Nov. 29 <sup>th</sup>
Commission final vote	Dec. 3 <sup>rd</sup> .
City of Portland Auditor's Office Tracks and Ensures Charter Recommended Amendments are on the 2024 ballot.	2023-2024

# Potential timeline for referral to Council

Election date for Council-referred amendment	May 16, 2023
Request Ballot Title from City Attorney	January 13, 2023
City Attorney's Office Completes Ballot Title	January 23, 2023
Last Possible Date to File Measure with Council Clerk	January 24, 2023
FIRST COUNCIL HEARING READING	February 1, 2023
SECOND COUNCIL HEARING READING	February 8, 2023
Start Date for Electors to File Challenge to Ballot Title Language in Court	February 8, 2023
Approximate Date City Elections Office Publishes Ballot Title in The Oregonian	February 9, 2023
Deadline for Electors to File Challenge to Ballot Title Language in Court	February 17, 2023
Sponsoring Bureau or Elected Official Submits Explanatory Statement to City Elections Office	March 15, 2023
Election Day	May 16, 2023
Date Measure Becomes Effective	June 14, 2023

# PHASE II: Potential Engagement Timeline

Date	Activity
August 30	Commission meeting
Sept 2	Progress report released
Sept 12-17	Community Listening sessions
Early October	Commission meeting w/ unlimited public comment
November 9	Progress report w/ drafted amendments released
Mid November	Public hearings
December	Final progress report

# **8.2.22 Commission Debrief**

# Federal Law\*

Non-Citizen voting

## Illegal Immigration Reform and Immigrant Responsibility Act (1996).

- Prohibits noncitizens from voting in federal elections:
  - U.S. President
  - U.S. House of Representatives
  - U.S. Senate
- Does not address state or local elections

\*Information presented by Portland Deputy City Attorney Maja Haium



# State Constitutions\*

## Non-Citizen voting

- No state *explicitly permits* noncitizens to vote in state and local elections.
- 2 states *explicitly prohibit* noncitizens from voting in state and local elections:
  - Arizona
  - North Dakota
- 48 states reference citizenship requirement:
  - Oregon

\*Information presented by Portland Deputy City Attorney Maja Haium

# Oregon Constitution\*

## Non-Citizen voting

- Article II, Section 2 (Qualifications of electors).
  - (1) Every **citizen** of the United States is entitled to vote in all elections not otherwise provided for by this Constitution if such **citizen**:
    - (a) Is **18 years of age or older**;
    - (b) Has resided in this state during the six months immediately preceding the election...;
    - (c) Is registered not less than 20 calendar days immediately preceding any election in the manner provided by law.

\*Information presented by Portland Deputy City Attorney Maja Hairum

# Oregon Constitution\*

## Incarcerated Individuals

- Article II, Section 33, provides in part, "The privilege of the elector, upon conviction of any crime of which is punishable by imprisonment in the penitentiary, shall be forfeited, unless otherwise provided by the law."

ORS 137.281; Cannot "[e]xercise[e] the right to vote";

- From date of being sentenced to incarceration for felony to date of release or conviction is set aside
- From date of sentencing to imprisonment in any federal correctional institution to date of discharge, parole, or conviction set aside.

# Multnomah County

## Extending Voting Rights Charter Amendment Text

11.10. Right to Vote in County Elections. The county shall extend the right to vote, including but not limited to extending the right to vote to noncitizens, in elections for county officers and on county measures, to the fullest extent allowed by law

- If this amendment is approved by voters, Multnomah County will be tasked with determining if expanding voting rights to non-citizens is possible under current law.
- If the county determines that the expansion of voting rights is illegal, the amendment would require the county to actively advocate for law changes on a state and federal level that would allow non-citizens to vote.

**Work – to - Date**

# Work-To-Date

- Met with the Co-Chairs of the Equitable Representation County Charter Subcommittee
  - Samantha Gladu & Annie Kalen
- The Charter Committee put out a survey with a poll and it was evident that the community was interested in voting rights.
- Extending the vote to under 18 – there are constitutional and statutory limitations
- Extending the vote to current incarcerated individuals – also constitutional and statutory limitations. (The expansion would be those who are incarcerated in the county jails and waiting adjudication about 200 people or so)
- Non-Citizen voting is more of a gray area based on Charter Process and Home Rule.
  - Home rule” transfers authority over municipal matters from state laws to a local charter that’s drafted, adopted, and amended by voters in the municipality

# Recommendations discussion

# Discussion Question

- Does the subcommittee want two approaches that are based on the November election results of the Multnomah County measure?
  - Ballot initiative passes – follow similar approach and language for 2024
  - Ballot initiative does not pass – strategize on language
- Should the subcommittee recommend an amendment independent of Multnomah County November outcome based on the 2024 timeline?



# Community Listening Session Questions

The Community Engagement Subcommittee will be conducting community listening session the 2<sup>nd</sup> week of September.

What community feedback does this subcommittee need in order to frame voter expansion amendment recommendations?

- Vocalize concerns
- Personal experience
- Scope of amendment



# Next Steps

<b>Meetings</b>	<b>Dates</b>
<b>Bureau &amp; office proposals subcommittee meeting</b>	<b>Aug 18</b>
<b>Climate &amp; environmental justice subcommittee meeting</b>	<b>Aug 23</b>
<b>Charter Commission meeting</b>	<b>Aug 30</b>
<b>Community listening sessions</b>	<b>Mid Sept</b>