

Areas of Agreement

Between summer 2021 and January 2022, the Charter Commission had two issue committees—one on the city's form of government and one on city council elections. The two subcommittees established initial research questions, built an understanding about current conditions and alternatives; agreed to early reforms; analyzed options for reforms; and heard from Portlanders through public comment and community listening sessions.

Those efforts yielded three areas of initial agreement, all of which were supported by a significant majority of Commissioners. These initial areas of agreement were as follows:

- To shift the constituency of City Council from all at-large seats and to increase the size of City Council
- To shift from the commission form of government to a form of government in which City Councilors do not directly manage bureaus
- To shift to a form of voting that allows a decision in one election, eliminates the primary, and adopts a voting method that captures people's preferences

This month, the Charter Commission continued to refine and clarify details for these areas of agreement, with an emphasis on finding a cohesive package of reforms that fit together and makes sense for Portland in 2022 and beyond. At a March 15th work session, majority viewpoints emerged from Charter Commissioners around the two intertwined reforms of Elections and the Form of Government. Please note the analysis below reflects the Commission's current thinking but the Commission will not be voting on a final set of reforms until the end of June 2022.

ELECTIONS

For more than 100 years, Portlanders have been electing City Councilors in an at-large system, meaning any eligible candidate in the city can run for office and be elected, regardless of their geographic location. Despite Portland's continued growth, especially within the last few decades, the number of seats on City Council has not increased, depriving Portlanders of political representation fit for a complex city of our size and decreasing the number of opportunities for diverse communities and interests to elect candidates of choice. Historically, candidates of choice for Black, Indigenous, communities of color, and political minority groups, have lacked access, power, and representation in Portland city hall. An accounting of the demographics of previous city commissioners shows that our elected representation was continually and disproportionately dominated by white, affluent, and male councilors despite a demographically diversifying city. Moreover, while city commissioners are elected at-large, city commissioners have resided in the Portland downtown area or west of the Willamette River in significantly higher proportions. These disparities are hard to ignore and will remain persistent challenges without reform of the underlying system.

Establishing Geographic Districts with Multiple Council Members Representing each District

Nearly all Charter Commissioners agree with calls from the public to shift City Council from all at-large seats to a system with district-based geographic representation. A Mayor and Auditor would continue to be elected city-wide. The Commission also expressed *supermajority support*— meaning support from at least 15 of the 20 commissioners, enough to directly refer the charter amendment to voters for the November 2022 election — for multiple representatives to be elected in each district of the city. Multi-member districts for Portland would mean that more than one elected leader would represent each geographic area. Desires for guaranteed council representation from all parts of the city, increased representation, and lowering financial barriers for candidates to compete were key considerations in favor of this reform.

Multi-member districts acknowledge the simple truism that it's incredibly difficult for any one single elected individual to represent the diversity of viewpoints and experiences in a geographic district. Having multiple people allows for a greater chance that more viewpoints and experiences will be represented. The Charter Commission is prioritizing multi-member districts because this system would help community members feel more connected to their elected leaders and increase accountability between communities and elected leaders. Because multiple leaders would represent one area of the city, this would also increase opportunities for collaboration and coalition building for geographic issues between those leaders.

While geography is important and neighborhoods do play a significant role in Portland's civic life, Portlanders also understand that just because you live in the same neighborhood as someone else does not mean you share the same politics or priorities, let alone have the same lived experience. Multi-member districts allow for many more possibilities for city representation. Voters can choose to support candidates who focus on issues most important to them, whether that be geography, racial identity, income level, or experiences as a renter, homeowner, business owner, or student, to name a few examples.

Dividing Portland into districts so that elected leaders can represent geographic areas of the city instead of the entire city also creates a likely opportunity that residents, such as those in East Portland, who have been continually shut out from representation and political attention in city hall despite making up a large part of the city population and landmass, could have representatives elected specifically from their geographic area. The Commission believes that City Councilors should be easy to reach, and having leaders represent certain parts of the city can make it easier for people to reach out when they have an issue. Having geographic-based representation could also lend itself to more localized and neighborhood-based constituent services and civic participation that is not dependent on Portlanders' ability to access downtown.

Shifting the constituency of City Council from all at-large seats to district seats also addresses problems associated with the significant financial barrier to running for office city-wide. District-based elections will likely reduce the cost of campaigning because candidates focus on a smaller constituency.

Proponents for keeping at-large or city-wide seats argue that they allow more people the flexibility to run instead of being limited to run only in one geographic area. However, this is not how our history has played out, when only a handful of elected city councilors have lived east of 82nd Avenue out of the dozens to have served. The current system of at-large elections affords greater opportunities for financially resourced and politically well-connected candidates to succeed, and those individuals have been shown to be concentrated in certain areas of Portland.

Increasing opportunities for communities of color to elect their candidates of choice has also been a driving goal for the Commission. Portland does not have a geographic distribution of BIPOC residents that could allow for a drawing of a majority BIPOC district, nor does it have the level of income or age segregation and stratification that characterizes other large cities. The Commission favored reforms that would more likely give smaller and historically under-represented communities (e.g., renters, young residents, communities of color, minor political parties) a greater ability to form coalitions to elect candidates of their choice.

Further exploration is ongoing to better understand the potential impacts districts may present on addressing issues that require city-wide coordination and planning, such as housing construction, zoning, public transportation and road networks, health and human services, and land-use planning to name a few. As the Commission researches implementation of potential transition plans and spending, the prospect of district-based constituent offices will continue to be explored.

Increasing the size of City Council Size to at least 12

Increasing the size of City Council increases the chance that Portlanders can find someone on Council who represents their interests. The City of Portland's current five-member (including a mayor) City Council has not grown for more than 100 years, despite a nearly three-fold increase in the city population. This is a major problem. Portlanders are underrepresented compared to cities of similar size in the United States.

The Commission currently has supermajority support for a City Council size of at least 12 members. The suggestion of a 12-member council is primarily driven by the Commission's support for multi-member district representation system where Portland is drawn into 4 districts each sending 3 representatives to the city council. A 12-member City Council achieves many of the Commission's desired outcomes while managing the perceived sticker shock of meaningfully increasing city council size.

In 1913, Portland city government had one city commissioner for approximately every 42,000 residents and in 2022 the ratio has grown to one city commissioner for every 130,000 residents. The most typical pattern among cities of similar size to Portland (680,000+ residents) is about two representatives per 100,000 residents, situating the proposed 12-member council within that range. Other comments from the public also pointed out the need for more local representation when Portlanders currently have more elected state representatives in the Oregon legislature than local city councilors.

Increasing the number of seats on City Council may give underrepresented communities more voice in the decision-making body and offer a chance to help alleviate dissatisfaction with City Council, because more Portlanders are able to elect leaders that represent their interest and understands their experiences. Expanded Council capacity should also improve government's ability to respond to large, complex problems facing our community. Increasing the size to a greater number can ensure that more leaders are responding to Portland's diverse communities and devote more time to legislating and passing city policies.

Into the spring, the Commission will work with the city to explore potential fiscal impacts and financial resources needed to set up this reformed city government. The Commission will evaluate different proposals regarding salary and compensation of city councilors, council organization and committee work, the number of city council office personnel afforded each councilor, and the establishment of district offices.

Adopting Ranked Choice Voting for City Elections

The Charter Commission has a goal of achieving a participatory and growing democracy with more voices being heard in elections. A supermajority of Charter Commissioners support adopting Ranked Choice Voting as the alternative voting method to replace our current “winner-take-all” form of voting. Ranked Choice Voting allows voters to be a part of a process that uses their ballot to the fullest. When voters' first choices are not elected, they can trust their vote will be counted for their next viable choice.

Currently, voters are asked to choose one candidate, and the candidate who receives the most votes, even if they receive less than 50% of the vote, is the sole person elected. No matter how many candidates are on your ballot, you only select one option, and a candidate can win no matter how small their vote share ends up. Simple and familiar as it may be, what if voters had expanded options to offer opinions on multiple candidates? What would we learn from the Portland electorate if we retain information about their top preferences, their second preferences, etc., and what type of candidates they liked more than others?

Ranked Choice Voting would give a Portland voter the ability to choose more than one candidate to vote for, ranking the ones they like in order of preference by marking the ballot to indicate “1st choice, 2nd choice, 3rd, choice, etc.” for as many as they care to offer a preference. These reforms give voters more choice. Voters can rank the candidates or just choose one candidate. Studies show that communities that have switched to Ranked Choice Voting have had an increase in voter participation. By giving voters more meaningful choices, they have more reason to vote.

Ranked Choice Voting can be used in races to elect one winner or multiple winners, but, most importantly, how the ballot appears to voters and how voters mark their ballot would remain the same in either format. The only difference is the vote tabulation math on the back end, which can be released round by round in a transparent matter until winners are calculated.

Ranked Choice Voting allows voters to have a fuller accounting of their preferences for the election shown on the ballot and allow them to vote their conscience and worry less about strategic voting. Portlanders today are asked to strategically calculate their vote to support a candidate they think can win the election - not necessarily for their preferred candidate in the race - or risk not having their vote impact the election at all. Instead, when voters can rank their ballot in order of their first, second, and third choice, voters have the freedom to vote for the candidates they believe in, rather than having to choose between the lesser of two evils. Adopting Ranked Choice Voting could better ensure a city council where more Portlanders are represented by someone from their top vote preferences.

Ranked Choice Voting is frequently used by tens of millions of Americans in local and state elections, including large cities such as New York City, San Francisco, Oakland, Minneapolis, St. Paul, Portland, ME; the states of Maine and Alaska, and even locally here in Benton County, Oregon. As of November 2021, 43 jurisdictions used Ranked Choice Voting in their most recent elections, and more than 50 jurisdictions are projected to use it in their next election.

There is also growing evidence that Ranked Choice Voting promotes more civil, issue-oriented campaigns and decreases the incentive for negative campaigning. Rather than candidates focusing on attacking their opponents to decrease support, candidates can focus on reaching out positively to as many voters as possible, including those supporting their opponents, because even if may not get the first votes from these voters, they can contest for high-ranked votes as a 2nd or 3rd choice. Campaigns may be friendlier as a result of fostering stronger coalition-building and candidates even collaborating and aligning on policy platforms.

The election system that the Charter Commission is proposing, one with Ranked Choice Voting and multi-member districts would form the basis for Portland to have a Proportional Representation system (PR). Proportional Representation systems are the most used electoral systems in the world. Proportional Representation is a voting system that ensure political minority groups a measure of representation to their share of the voters (e.g. if a group is 33% of the voters, they should receive 33% of the seats). Proportional representation is rooted in the belief that everyone should have the right to fair representation, reflective of their community's views.

Implementing Ranked-Choice voting will not be without its challenges, however. Voters will need time to adjust to a new system and the city and county elections offices will need to lead a public education campaign before its first potential use in November 2024. Although the Commission finds great benefit in voters having more choice on their ballot, it does result in more for voters to decide, and a more complicated ballot than they are currently accustomed to. It is also likely that city election results would be finalized later than Portland voters are currently accustomed to, with the likelihood of multi-round counting of the ballots' first-, second-, third-, etc. rank choices.

Shifting to One November Election, Eliminating May Primary Election

The Commission favors voting methods that elect candidates when the most people are likely to be voting. In November elections, voter turnout is substantially higher, so more voices weigh-in on

decisions that affect all Portlanders. A core benefit to the use of Ranked Choice Voting is that it allows for decisive instant run-offs to be counted in one election, eliminating the need for May primaries for city elections.

Currently, in our nonpartisan City Council elections, several people can run for one at-large seat ahead of the May primary. If a candidate for that seat wins over 50% of the vote, then they win the race outright. If no one makes it over that threshold, then the top two candidates go to a runoff in the November general election.

Eliminating May primaries ensures that more Portlanders are able to elect their city council during one election. Although Portland City Council races are nonpartisan, they occur within the context of larger statewide May partisan primary elections, whose turnout is driven largely by the attraction of closed primary contests (where only registered party members can vote in their respective primaries), which skews the makeup of the electorate in Portland.

Election turnout results from this century consistently show that as little as one-quarter to one-half as many Portland voters turn out in May as they do in November. In midterm years, November turnout is generally double the May turnout, and in presidential years, a significantly higher numbers of Portlanders cast ballots in November compared to May. The increased turnout in November elections tends to come from younger, more racially diverse voters as well. Of the past 15 city council races (not including mayoral races), only five went on to the November run-off election. This means that many November-only voters in Portland didn't get to vote for a council member because their election had already been decided.

Moving to a single election could also reduce financial barriers for candidates and widen the pool of candidates who would consider running. The cost of campaigning places additional burdens on candidates without personal wealth or connections to large financial backers. Campaigns would not start as early (Portland City Council candidates now regularly declare more than a year out from November election because of the May primary), City Councilors running for re-election could spend fewer total days campaigning for votes and fundraising for dollars, and instead focus on enacting policies.

A supermajority of Commissioners also supports staggered city council elections, with Portlanders electing leaders every two years, in line with strong community survey results favoring staggered elections. A supermajority of Commissioners believes that waiting four years for voters to express their opinions on elected leaders is too long. For example, some districts and a Mayor could be up in a November Presidential year (2024, 2028, etc.) and other districts and the Auditor could be up in a November midterm year coinciding with the race for Oregon Governor (2026, 2030, etc.). However, any district that has elections must have all the seats in that district up at the same time to achieve the stated benefits of the Commission's proposed multi-member proportional system.

Districting and Redistricting Process

To suppose geographic district representation also supposes a process to draw official district lines. The Charter Commission supports proposing an outline for a districting process but would not propose a formal map for adoption. The Commission would look to propose a clear set of criteria to inform a fair, community-involved process to draw and implement district lines and district-based elections. One clear requirement included would be for districts to be as nearly equal in population as possible. Other factors could also include natural geographic and transportation network boundaries and preserving communities of common interest.

The districting process could begin immediately after the November 2022 election and would ideally occur well in advance of the November 2024 election to allow for ratification and candidate filing. Subsequent redistricting would be tied to census population updates every 10 years, beginning 2030.

FORM OF GOVERNMENT

In our commission form of government, the mayor assigns each member of City Council a portfolio of bureaus to manage. When this form of government was created over 100 years ago, it allowed for cities and towns to be nimble in responding to urgent crises as the councilors could make quick decisions for their bureaus. Additionally, often individuals would run for a seat that reflected their professional technical area of expertise. In modern-day Portland, however, this supposed benefit of the commission form of government is not being fulfilled. Additionally, as the mayor assigns and reassigns bureaus Portlanders do not know which bureaus a candidate for office will manage. The Commission continues to hear that this form of government creates siloes, avoids accountability, and lacks transparency. The commission form of government is not driving towards the outcomes that Portlanders have identified as their needs for clear, consistent delivery of services and responsiveness to pressing city issues.

Separating Executive & Legislative Powers

The Charter Commission repeatedly stresses the importance of checks and balances between city government, clear divisions of power, and streamlined divisions of labor to produce effective and efficient city services. The unanimous consensus of the Charter Commission is that City Council members should not directly manage bureaus and that a new form of government should ensure a separation of the executive (administrative) and legislative (policy) functions in city government.

Removing the role of Commissioner-in-Charge of bureaus from City Commissioners and shifting bureau management elsewhere increases City Council capacity to focus on legislation, such as making laws, engaging constituents, and bringing community voices into decision-making. Expanded legislative focus and capacity will improve the quality of laws passed and overall government responsiveness. Removing the bureau management role should also create a more unified voice in city operations, more collaborative and cohesive responses, more consistent supervision of bureaus, create checks and balances through the separation of powers, and increase trust when laws are made.

Ensuring City Councilors focus on legislating and constituent services

The Commission imagined the role of City Councilors when not directly managing bureaus to be traditionally legislative in nature, focusing on policymaking and oversight, with budget authority derived from the elected city council. By removing commissioners from overseeing bureaus, councilors will have additional capacity to focus on solving complex challenges and meeting with their constituency to draft policy and budgets. The imagined role of city councilors would include:

- Responsibility for policy development (legislating)
- Approving the city budget
- Increased constituent engagement, outreach, and community relationship building
- Greater ability to link on-the-ground constituent engagement into effective policy reforms
- Collaboration on major initiatives and long-term strategic planning for the city
- Committee work specializing in different policy areas (e.g. transportation, policing, housing, environmental protection, etc.)
- Oversight and accountability towards city bureaus and executive branch
- Intergovernmental relationship building, collaboration, and communication
- Responsiveness to local issues facing their respective districts

The Charter Commission ultimately envisions an important role for the office of Mayor, elected city-wide, in carrying out the policies of City Council.

Authority to hire, fire, and supervise a professional city manager/administrator and bureau directors

The Charter Commission supports the creation of a professional city manager/city administrator role to coordinate and run the city's civic services - its bureaus, programs, and resources in order to deliver a working government and implement city policies passed the City Council. A Mayor is responsible for nominating a person to serve in the role, hired subject to confirmation by a simple majority vote of City Council. A Mayor would provide supervision day-to-day. The city manager/city administrator position helps ensure that there is someone in place that can competently manage city operations and frees a Mayor from having that sole responsibility. However, a Mayor would share responsibility and political accountability for the duties of the city manager/city administrator by extension of supervising the position, subject to the legislative oversight by the City Council.

The city manager/city administrator will also be in charge of hiring, firing, and supervising bureau leaders, insulating the bureaus from political jockeying while prioritizing continuity of service and longer-term planning. The Charter Commission envisions this hybrid system where Mayor and council should together create performance expectations of the bureaus but not directly manage or hire/fire bureau directors.

Role of a Mayor on City Council

The Charter Commission continues to discuss the unanswered questions related to Form of Government reform, particularly around the extent to which a Mayor should have a role on City Council. Outstanding questions the Commission is evaluating include whether a Mayor is a formal member of council, and if so what are their powers to propose policy, veto ordinances, and preside over a meeting; how and when would a Mayor vote, and whether the firing of a city manager/administrator should involve the input of City Council. A majority of Commissioners believe a Mayor should not have veto authority. Decisions around what is the role of a Mayor will also shape the leadership organization and structure on the City Council.