



City of Portland Charter Commission Elections Committee Agenda

January 10, 2021 6:00 p.m.

1. Call to Order

- a. Due to the existence of an "emergency or urgent issue", the Charter Commission Committees will conduct this meeting by remote methods/technology at the Zoom link provided below, in accordance with the requirements of 1 M.R.S. section 403 -B and the Charter Commission Remote Participation Policy.

You are invited to a Zoom webinar.

When: Jan 10, 2022 06:00 PM Eastern Time (US and Canada)

Topic: Charter Commission Elections Committee

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/87288738225?pwd=R0ViUTFGMdNlVG4wRUJ6b2RwOGdkZz09>

Passcode: 052374

Or One tap mobile :

US: +13017158592,,87288738225#,,, *052374# or
+13126266799,,87288738225#,,, *052374#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 or +1 253 215 8782 or
+1 346 248 7799 or +1 720 707 2699

Webinar ID: 872 8873 8225

Passcode: 052374

International numbers available: <https://us06web.zoom.us/j/87288738225?pwd=R0ViUTFGMdNlVG4wRUJ6b2RwOGdkZz09>

2. Review and Approval of Minutes from December 21, 2021

- a. Approval of draft meeting minutes from December 21, 2021.

3. Public Hearing

- a. Public hearing on Clean Elections Proposal - Commissioner Buxton

4. Vote on moving Clean Elections to full Commission

- a. a. Motion to approve moving draft clean elections language sponsored by
Commissioner Buxton to the full commission for consideration

5. New Business

6. Adjourn

Commissioners Buxton, Chann & Washburn in attendance.

1. **Vote to table workshop items** (Clean Elections & Elections Commission proposals) to future date in the interest of prioritizing and making time for Public Hearing.
 - a. Motion proposed by Chann, seconded by Washburn.
 - b. Discussion: Buxton concerned about timeline, mentioned she would like to take up other agenda items if time.
 - c. **Motion passed unanimously.**

2. **Approval of meeting minutes.** Motion to approve minutes from last meeting.
 - a. Washburn moved, Buxton seconded.
 - b. **Motion passed unanimously.**

3. **Public Hearing on Commissioner Washburn's Universal Resident Voting Proposal.**
 - a. **For information purposes, Language of proposal:**
 - i. "The right of all adult residents of Portland to vote in municipal elections and on municipal initiatives is established, regardless of citizenship status.

City officials will take all reasonable care to ensure that exercising this right does not allow non-citizen voters to vote in federal or state elections, until such time as those votes are allowed by law. Such care should include providing translated or interpreted information for non-English speakers. While the city's voter list is a matter of public record, city officials will not make public the citizenship status of any voter or provide information to any enforcement agency beyond what is on the public record."

 - b. **Comments from the public.** *Please note, these are rough paraphrases of commenters' remarks in order to give public sense of conversation at the meeting. For full record, please refer to the livestream of this meeting.*
 - i. Leo Hilton - Bellevue St - In favor. "Decisions should be made by people who live here. Birthplace isn't a choice, citizenship status is often an arbitrary way to decide who has the right to vote on decisions. I was born in NY, further away than Montreal Quebec...either of us should be able to

vote in Portland if we live in Portland. I can vote here, but someone from Quebec cannot.”

- ii. Beth Stickney - Linden St - In favor. “Previously spoken with the commission and written comments. I support this if it is done correctly and if rights and safety of immigrants are safeguarded. Cannot support proposed amendment as written—it’s far, far too vague. I understand that the Charter is not the place for granular details. Language needs to give direction to Council how to implement this.

New York just passed this, it requires warnings about deportability, has all sorts of protections about what happens if people get given the wrong ballot, information and education about what to do, Requires warnings to be translated into multiple languages. NY has an advisory committee about how to decide which languages. Warnings about public information I want to see this more protective and directive—happy to provide examples.”

- iii. Deborah Napier - Cobb Ave - “Opposed. Agree that this is too vague. I am also opposed to non-citizens voting, there should be a procedure. People should go through schooling to become a citizen so they understand our laws and our policies. Noncitizens come from places where laws might be fully different. They need to understand our constitution and laws before voting.

I put a daughter thru PPS and grandchildren at EECS, they are 5-7% of the white population at school that is very diverse. This is wonderful, but the vast majority of the parents at their school don’t speak English. I think it’s important that people who are voting understand the language. Therefore, I think it’s critical that people be citizens to vote.”

- iv. Dave Aceto - District 1 resident - In Favor. “Maybe we shouldn’t look at the Constitution as a guiding principle....since it was written when slavery was a thing. I am a 37 year old white native mainer....and I don’t understand policy or government work a lot, yet I can vote just because I was born here. I want to make sure people who live here can vote here, no matter what your status is as a human. There is no illegal human. We live on stolen land, what right do we even have to vote here? The best thing we can strive for is to build good protections, strong written language, and to make sure everyone who lives here has a voice in the issues.”
- v. Elizabeth McCormack -Smith St. In Favor. “If someone lives in Portland, they are subject to the same policies as any citizen is. Anecdotal story: I

have a close friend who is a NY resident with Canadian citizenship, she works at the embassy and understands laws and policy better than most people who are US citizens. Now that NY has passed this, she is so excited that she can make choices in her own city.

For example: mask mandates and state of emergencies that were discussed at the most recent council meeting impact everyone, no matter if you're a citizen. Direct representation is a pathway for being able to advocate for oneself, and allowing residents to vote is the way forward."

- vi. Victoria Pelletier - District 2 - "In favor. Everyone who lives under Portland's government should be allowed to vote. It wasn't that long ago that women and Black people weren't allowed to vote. Not allowing all residents in this city is continuing the narrative of xenophobia and hate. Immigrants pay taxes, they own businesses....it's a basic democratic principle to allow them to vote. Excited for this conversation. Keep going."
- vii. Kathryn O'Neil - Portland St - In favor. "My family immigrated from Ireland...I imagine that when they got there. They couldn't vote either. I work for an immigration attorney. I see what USCIS is like and the DOJ is like and it's a headache. It's just built on exclusion, Immigration law is not meant to make sense, it is so much easier for white immigrants and European immigrants than immigrants from other places. Immigration system is racist to begin with, and we should not be using that as a barometer for who should be allowed to vote here. Please allow everyone who lives here the chance to vote."
- viii. Glen Galik - Hill St, D2 - In favor. "I believe fully that voting is a human right. That right should be extended by you in the charter to the full extent possible. Want to make this stronger and safer. Perhaps with attorneys. I like that there is no residency status, I like that it's not limited to folks based on status. In full support of keeping this open to all people. When I first voted in Portland, I'd lived here for a week and a half, so I hope that this remains universal for everyone."
- ix. James Wright - Brahmhall St - Opposed. "This is a radical redefinition of what it means to be a citizen. What it means to be to live in a nation and a state. I think this would be better discussed in another type of forum. I am opposed to the fact that people who don't have legal authority to be here are allowed to vote. I understand that immigrants come to this country, but they choose to do so. But it's different than Jim Crow or Apartheid. Why people are forced to leave their home country isn't related to this issue, it's not on Portland to take the duress of people's immigration stories on. I do believe immigration system is flawed, but that

only citizens should vote.”

- x. Wendy Harmon - District 5. Somewhat opposed. - “I cannot accept the wording of this article. I’m not opposed to immigrants and asylees voting, I’m a landlord and I work with immigrant families all the time. I worked with a city shelter to house a family this week, after we found them housing and furniture... within a week the family had moved to Canada. I have no problems with an immigrant or asylum seeker voting, but I think there needs to be some kind of ‘skin in the game’ or some kind of residency requirements. I feel like these families could have voted and then taken off to Canada. We have to have some sort of residency requirements. Not opposed, just need residency requirement.”
- xi.

4. Discussion on Universal Resident Voting :

- i. M. Chann: Reminder that this is just going in front of committee, if this passes through it will be discussed by full commission and there will be more opportunity for comment.
- ii. Washburn thanks commenters for their testimony.
- iii. P Washburn – I am moved by the comments about adding some more stronger language around safeguards to protect immigrants from deportation, and would like opportunity to revise this language.
- iv. Buxton has question in interest of wanting to move forward if we can vote on proposal as written, and Pat can still make changes to proposal before it hits full commission.
 - 1. Chann says procedurally he would say preferably have a full proposal all on paper. Either table or move forward. Can provide preliminary language in the Commission report out for tomorrow’s full commission meeting.
- b. Motion:** Commissioner Washburn: Table to next meeting to allow time for immigration attorneys to weigh in on strengthening safety language.
 - i. Second: Buxton.
 - ii. Passes unanimously.
- c. General Discussion:**
 - i. Chann: I struggle to reconcile the part of me that has parents who are refugees, family members with greencards. While I do have rights and privileges as citizen, I do have a window into their experience. Even though I’m not a lawyer, I have studied this: I agree this immigration system is broken, rooted in a deep history of racism. Because we live in this current broken immigration system, we have to be really, really careful, and diligent and vigilant about protecting the folks we say we want to help. Looking at intent vs. impact. Some would say Immigrants/Refugees would benefit because they would get the opportunity to vote. But that might be at the cost of deportation or other iThe research that shows that tying US citizenship to voting rights only

happened in the late 19th century – we didn't have ICE or other agencies back then. Really worried about unintentional impacts and consequences.....Thats all to say, while I support moving this to the full commission, I appreciate that you are willing to take this off the table, in order to make sure that we put safeguards. That shows that you are willing to address some of the safety concerns.

I would say that the argument: "They don't have to vote if they don't want to." is not enough to address these concerns

- ii. NY City used an ordinance– so it wasn't enshrined in the Charter, Maryland authorizes municipalities to determine this for themselves, SF only passed theirs for school board elections.
- iii. Buxton: -Can we get in touch with folks in other communities where this is put into place—so we can get an idea of better and more stringent language that have been employed other places?
- iv. Washburn to reach out to NYC contacts, Buxton to try and outreach to some folks within Maryland/Delaware.

5. New business:

- a. Clean Elections, can we fast track a hearing in interest of time? Commissioner Chan to check in procedurally to see if we can get one of the calendar for the 4th. In the interest of time.
- b. Buxton: Questions about remote meeting policy. Chann will reach out to Chair + Counsel to confirm.

6. Motion to Adjourn.

- a. Moved Washburn seconded Buxton
- b. Passed Unanimously

Section 12. Public Financing of Municipal Elections

The City Council shall establish and fully fund a mechanism providing public campaign funds to qualified candidates for mayor, city council, and school board. The Council will provide an independent allocation from the City's budget each year in order to ensure the program is sustained and can be made available to candidates for each election.

The mechanism must:

- Provide sufficient funds to allow candidates who meet qualifying criteria to conduct competitive campaigns.
- Be voluntary.
- Limit the amount of private funds a candidate may raise.
- Only be available to candidates who demonstrate public support.
- Be limited to candidates who enter into a binding agreement not to accept private contributions other than those allowed by the public funding program.
- Require that all unused funds from a candidate's campaign are returned to the public election fund within 100 days of election.
- Be limited to candidates who agree to participate in at least one city-sponsored debate or voter education event.

The mechanism must be available by the 2024 municipal elections.

The mechanism shall be administered by paid staff within the Office of the City Clerk, with the assistance and oversight of the Elections Commission.

The city council may adopt additional regulations and ordinances not inconsistent with this section.

Section 13. Campaign Finance Rules for All Candidates

- a. **Corporate Contributions.** A business entity may **not** make contributions to any candidate for municipal office. The term business entity refers to a firm, partnership, corporation, incorporated association or other organization, whether organized as a for-profit or a nonprofit entity.
- b. **Contribution Limits.** An individual or corporation may not contribute more than \$250 to any candidate or campaign. This limitation does not include contributions made by the candidate themselves or a candidate's spouse or domestic partner.
- c. **Campaign Contributions Reporting.** All contributions to campaigns for candidates or ballot questions must be reported to the City Clerk, aligning with all state guidelines, and must be searchable in a public database.