

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS' MEETING
PUBLIC COMMENT SIGN-UP SHEET**

Please complete this form and return to the Board Clerk
This form is a public record

MEETING DATE: _____

AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: Pledge _____

FOR: _____ AGAINST: _____

NAME: MARK Sturbois _____

CONTACT INFORMATION (optional):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ E-MAIL: _____

IF YOU WISH TO ADDRESS THE BOARD IN PERSON:

1. Fill out this form and submit to the Board Clerk 15 minutes before meeting begins.
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IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD IN LIEU OF GIVING ORAL COMMENTS:

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MEETING DATE: 5/13/18

AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: X

FOR: _____ AGAINST: _____
NAME: Bruce Braustad

CONTACT INFORMATION (optional):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ E-MAIL: _____

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MEETING DATE: 5/3/18

AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: ORDINANCE TO IMPLEMENT

FOR: X AGAINST: _____ CHARTER § 11.60

NAME: DAN MEEK

CONTACT INFORMATION (optional):

ADDRESS: 10949 SW 4TH AVE

CITY/STATE/ZIP: PORTLAND, OR 97229 97219

PHONE: 503-293-9021 E-MAIL: dan@meek.net

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COMMISSION SHOULD ADOPT DETAILED IMPLEMENTING ORDINANCE FOR CHARTER SECTION 11.60

Daniel Meek

May 3, 2018

Honest Elections Multnomah County (HEMC) on April 7, 2017, asked the Multnomah County Commission to adopt a detailed implementing ordinance for Measure 26-184, which created Section 11.60 in Chapter XI of the Multnomah County Home Rule Charter. HEMC provided a detailed proposed ordinance. The Commission instead adopted an ordinance that merely restated the provisions of Section 11.60, without the implementing details.

In April 2017, we testified that the Commission's proposed ordinance is not sufficient for implementation of Measure 26-184, enacted by vote of 89-11% in November 2016. This has proven correct. On March 6, 2018, the Multnomah County Circuit Court (Judge Eric Bloch) issued a decision that parts of Measure 26-184 are not consistent with the Oregon Constitution.

I. THE COMMISSION CAN IMPLEMENT THE POLITICAL ADVERTISEMENT DISCLAIMER REQUIREMENT BY DEFINING "COMMUNICATION" BY ORDINANCE.

One important part of that decision was that the measure's requirement that advertisements related to a Multnomah County candidate election "shall prominently disclose the Individuals and Entities that are the five largest true original sources, in excess of \$500 each, of the Contributions and/or Independent Expenditures used to fund the Communication." The Judge concluded that the requirement was "'vague and potentially overly broad." Order, p. 8. He continued:

Ordinance 5.203 [same as Charter Section 11.60(3)] requires disclosure of the funders of "each" communication to voters that is "related" to an election at which voters will select the County's public officials. This mandate clearly encompasses a very wide array of communications and communicators: far more communications than can be justified under the legislative findings offered by the Petitioner in support of the charter and

ordinance, and more communicators than reasonably can be expected to be "fairly warned" that their chosen exercise of free speech may carry with it a disclosure obligation. These circumstances will inevitably lead to arbitrary enforcement which, while never acceptable, in the elections context is perilous.

But we have known from the outset that Section (3) of Measure 26-184 lacked much detail; it is only one sentence. That is why we have, since April 2017, asked the Commission to adopt a detailed implementing ordinance, particularly for Section (3).

It would be a very simple matter to provide specificity to the term "each communication" in Section 11.60(3). One way would be to explicitly adopt the definition of "communication" in ORS 260.005(10), which applies to campaign finance reporting.

- (c) "Communication in support of or in opposition to a clearly identified candidate or measure" means:
 - (A) (i) The communication, taken in its context, clearly and unambiguously urges the election or defeat of a clearly identified candidate for nomination or election to public office, or the passage or defeat of a clearly identified measure;
 - (ii) The communication, as a whole, seeks action rather than simply conveying information; and
 - (iii) It is clear what action the communication advocates.

The above definition would suffice, with its references to measures omitted (because Section 11.60 does not apply to measure campaigns). It is clearly not "vague" or "overbroad," because it currently defines the scope of campaign finance "independent expenditure" reporting requirements throughout Oregon.

We urge the Commission to address this matter at the earliest possible date, so that the will of 89% of Multnomah County's 2016 general election voters can be implemented.

II. IT IS ORDINARY LEGISLATIVE PRACTICE TO AMEND LAWS FOUND UNCONSTITUTIONAL IN ORDER TO RE-ENABLE THEIR IMPLEMENTATION.

After a court declares a law unconstitutional for a discrete reason, it is ordinary legislative practice to amend the statute to remove the infirmity. For example, the Oregon Court of Appeals in 2016 struck down ORS 260.715(9), which prohibited anyone from offering to purchase a ballot, as "facially unconstitutional because, by its terms, it criminalizes expression and is not wholly contained within a well-established historical exception to the protections of Article I, section 8." *State v. Hirschman*, 279 OrApp 338, 340, 379 P3d 616 (2016). So the Oregon Legislature in 2017 amended that statute to limit the prohibition to an "offer with the actual intent to purchase" a ballot. 2017 Oregon Laws Ch. 749 (S.B. 229).

In 1982, the Oregon Supreme Court affirmed a decision of the Oregon Tax Court striking down a provision in ORS 307.250 that provided benefits for "widows" of war veterans but not for widowers, because it discriminated on the basis of gender. *Lewis v. Dept. of Rev.*, 9 Or Tax 85 (1981), *aff'd as modified*, 294 Or 139, 653 P2d 1265 (1982). The Oregon Legislature then promptly changed the word "widow" to "surviving spouse." 1982 Oregon Laws ch 33 §2. The statute has never been challenged since.

There are many other examples.

We ask the Commission to engage in the ordinary legislative practice of correcting a deficiency identified by judicial decision. Multnomah County can then join the states that already require that political ads identify their largest funders, including California, Hawaii, Maine, Vermont, Massachusetts, Colorado, Minnesota, Virginia (candidate races); and Washington (ballot measure campaigns).

Thank you for your consideration.

Daniel Meek
10949 S.W. 4th Avenue
Portland, OR 97219
dan@meek.net
503-293-9021

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AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: public comment

FOR: _____ AGAINST: _____

NAME: Maria Garcia

CONTACT INFORMATION (*optional*):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ E-MAIL: _____

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AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: X

FOR: _____ AGAINST: _____

NAME: Douglas R. Allen (Doug)

CONTACT INFORMATION (optional):

ADDRESS: 734 SE 47th

CITY/STATE/ZIP: Portland, OR 97215

PHONE: _____ E-MAIL: _____

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MEETING DATE: May 3, 2018

AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: ✓

FOR: _____ AGAINST: _____

NAME: Bruce Charles

CONTACT INFORMATION (optional):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: (503) 223 1481 E-MAIL: _____

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MEETING DATE: 5/3/17

AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: 26-184

FOR: X AGAINST: _____

NAME: Derek Bradley

CONTACT INFORMATION (*optional*):

ADDRESS: _____

CITY/STATE/ZIP: Portland, OR 97214

PHONE: _____ E-MAIL: _____

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MEETING DATE: 5/3/18

AGENDA ITEM # 2 OR NON-AGENDA SUBJECT: A

FOR: _____ AGAINST: _____

NAME: MARC KOLLER

CONTACT INFORMATION (optional):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: 503-764-5968

E-MAIL: MARC@MARCKOLLER4CONGRESS.COM

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AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: Measure 26-184

FOR: X AGAINST: _____

NAME: Juan Carlos Ordóñez

CONTACT INFORMATION (*optional*):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ E-MAIL: _____

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AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: Measure 26-18A

FOR: X AGAINST: _____

NAME: Jason Kafourz

CONTACT INFORMATION (*optional*):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ E-MAIL: _____

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AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: Honest Elections 26-184

FOR: X AGAINST: _____

NAME: James Ofsink

CONTACT INFORMATION (*optional*):

ADDRESS: 4417 SE Windsor Ct

CITY/STATE/ZIP: Portland, OR 97206

PHONE: _____ E-MAIL: _____

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MULTNOMAH COUNTY BOARD OF COMMISSIONERS' MEETING
PUBLIC COMMENT SIGN-UP SHEET

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MEETING DATE: 5/3/18

AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: Honest Elections (m26-184)

FOR: _____ AGAINST: _____

NAME: Erik Fletcher

CONTACT INFORMATION (optional):

ADDRESS: 2325 SE Mitchell at Apt 16 Portland 97206

CITY/STATE/ZIP: Portland OR

PHONE: 5038060617 E-MAIL: Erik.D.Fletcher@gmail.com

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**MULTNOMAH COUNTY BOARD OF COMMISSIONERS' MEETING
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MEETING DATE: May 3, 2018

AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: Chairman Issues

FOR: X AGAINST: _____

NAME: Seth Woolley

CONTACT INFORMATION (*optional*):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ E-MAIL: _____

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MEETING DATE: 3 MAY 2018

AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: PUBLIC COMMENT.

FOR: X AGAINST: _____ CAMPAIGN FINANCE

NAME: THOMAS ETIENNE

CONTACT INFORMATION (*optional*):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ E-MAIL: thomas.etienne@multco.us

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MULTNOMAH COUNTY BOARD OF COMMISSIONERS' MEETING
PUBLIC COMMENT SIGN-UP SHEET

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MEETING DATE: 5/3/18

AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: ✓

FOR: _____ AGAINST: _____

NAME: Ronald A. Buel

CONTACT INFORMATION (optional):

ADDRESS: 1810 NE 70th Ave.

CITY/STATE/ZIP: Portland, OR 97213

PHONE: 503-358-8677 E-MAIL: _____

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MULTNOMAH COUNTY BOARD OF COMMISSIONERS' MEETING
PUBLIC COMMENT SIGN-UP SHEET

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MEETING DATE: Thur 3 May MMXVIII

AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: public comment

FOR: _____ AGAINST: _____

NAME: Charles Bridgecrafe JOHNSON

CONTACT INFORMATION (optional):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ E-MAIL: _____

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MULTNOMAH COUNTY BOARD OF COMMISSIONERS' MEETING
PUBLIC COMMENT SIGN-UP SHEET

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PUBLIC
COMMENT

MEETING DATE: 5/13/18

AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: _____

FOR: _____ AGAINST: _____

NAME: BORRA HARRIS

CONTACT INFORMATION (optional):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ E-MAIL: _____

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**MULTNOMAH COUNTY BOARD OF COMMISSIONERS' MEETING
PUBLIC COMMENT SIGN-UP SHEET**

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MEETING DATE: 5/3

AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: Good Governance

You FOR: _____ AGAINST: _____

NAME: Yu Te

CONTACT INFORMATION (*optional*):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ E-MAIL: _____

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MEETING DATE: 5/3/18

AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: IMPLEMENT M 26-184

FOR: _____ AGAINST: MAGLINES

NAME: Tom Sincic

CONTACT INFORMATION (optional):

ADDRESS: 3967 NE Cesar E. Chavez Blvd

CITY/STATE/ZIP: Portland, OR 97212

PHONE: 503-282-3813 E-MAIL: sincict@g.com

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MEETING DATE: 5/3/18

AGENDA ITEM # OR NON-AGENDA SUBJECT: M26-184

FOR: AGAINST:

NAME: Liz Trojan

CONTACT INFORMATION (optional):

ADDRESS: 12320 SW 60th Ave

CITY/STATE/ZIP: Portland, OR 97219

PHONE: 503-970-2069 E-MAIL: elizat8@pobox.com

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OREGON READY

UNIVERSAL REPRESENTATION IN PORTLAND, OREGON: DEFENDING RULE OF LAW FOR OREGONIANS

WHAT?

Universal Representation is the concept that no individual should face deportation without a lawyer. Public funding provides legal representation to immigrants facing deportation who do not have the means to afford an attorney.

WHY?

Oregon is an immigrant state: One in ten Oregon residents is an immigrant, totaling almost 400,000 foreign-born Oregonians.¹ One in eight Oregon residents is a native-born U.S. citizen with at least one immigrant parent.² Many Oregon families have mixed citizenship statuses. One in twelve Oregon children—more than 71,000—is a U.S. citizen living with at least one undocumented parent. Immigrant Oregonians drive Oregon's economy. Immigrants comprise nearly 13 percent of the state's workforce, and Oregon's immigrant-led households paid nearly \$737 million in state and local taxes in 2014.

Immigrant families are under threat: More than one thousand Oregonians are currently facing deportation proceedings at the Portland Immigration Court without an attorney, while a government attorney makes the case for their deportation to the judges. Without an attorney, these Oregonians will rarely succeed in preventing family separation.

Representation ensures equitable access to justice: Representation is the single most predictive factor in whether an immigrant will prevail against unjust deportation. Immigrants represented by counsel fare better at every stage of the court process. In one study of detained immigrants provided lawyers, deportation rates fell 90%.³

HOW?

Portland-based immigration law non-profits have come together to envision Oregon's first publicly funded **Collaborative Immigrant Legal Defense Network**, to provide free, quality legal defense for low-income immigrants facing deportation at Portland Immigration Court. **A committed, multi-year funding partnership between the City of Portland and Multnomah County in the amount of \$1.5 million per year** to provide for the following network components:

- **Legal Defenders:** the core component of the network, dedicated attorneys housed at established immigration legal non-profits will represent immigrants at risk for deportation.

¹Am. Immigr. Council, *Immigrants in Oregon* (Sept. 15, 2017), <https://www.americanimmigrationcouncil.org/research/immigrants-oregon>. 42 percent of Oregon's foreign-born residents have naturalized as citizens. *Id.*

²Immigrants in Oregon, *supra* note 2.

³Immigrants in Oregon, *supra* note 2.

- **Navigation Services:** navigators and trained volunteers embedded in impacted communities will identify and lead potential beneficiaries through the network's services and provide culturally-specific support.
- **Centralized Clearinghouse:** screening services, research, and technical assistance would be available through a single clearinghouse. This collaborative model allows legal defenders to focus on winning cases and preventing family separation.
- **Case Cost Fund:** because winning cases requires different tools for different clients, a fund should be established to cover psychological evaluations, translation services, and other case costs as needed. This fund would eliminate economic barriers to justice for immigrant Oregonians.



Fact Sheet: The contributions of immigrants and the cost of unjust deportations

Immigration enforcement threatens local tax revenue, while workers' lack of stable status inhibits further economic development.¹

- Immigrant-led households in the state paid \$1.7 billion in federal taxes and \$736.6 million in state and local taxes in 2014.
- DACA recipients in Oregon paid an estimated \$20 million in state and local taxes in 2016.
- Undocumented immigrants in Oregon paid \$80.8 million in state and local taxes in 2014. Their contribution would rise to \$119.4 million if they could receive legal status.

Immigrants represent significant numbers in Oregon's workforce, including essential services like Childhood Education and Health Care

- 260,001 immigrant workers comprised 12.8 percent of the labor force in Oregon in 2015.²
- Among the 12.4 million workers employed in health-care occupations nationwide in 2015, 2.1 million (17 percent, or about one in six) were foreign born.³
- The number of immigrants employed in Early Childhood Education in Oregon increased more than fourfold between 1990 and 2011-13.⁴ Employers in this field fear a labor gap⁵ as employees face enforcement threats.

Deportations destabilize families, leading to income and housing instability.

- A study of immigration enforcement in six U.S. locations between 2006 and 2009 found that families lost 40 to 90 percent of their income, or an average of 70 percent, within six months of a parent's immigration-related arrest, detention, or deportation.⁶

¹ *Id*

² *Id*.

³ Migration Policy Institute, *Immigrant Health Care Workers in the United States* (June 28, 2017)

<https://www.migrationpolicy.org/article/immigrant-health-care-workers-united-states>

⁴ Migration Policy Institute, *Immigrant and Refugee Workers in the Early Childhood Field: Taking a Closer Look* (April, 2015)

<https://www.migrationpolicy.org/research/immigrant-and-refugee-workers-early-childhood-field-taking-closer-look>

⁵ Center for American Progress *Trump's Attacks on Immigrants is Breaking the Backbone of America's Childcare System* (February 8, 2018)

<https://www.americanprogress.org/issues/early-childhood/news/2018/02/05/445676/trumps-attack-immigrants-breaking-backbone-americas-child-care-system/>

⁶ American Immigration Council, *US Citizen Children Impacted by Immigration Enforcement* (March 28, 2017)

https://www.americanimmigrationcouncil.org/sites/default/files/research/us_citizen_children_impacted_by_immigration_enforcement.pdf [hereinafter *US Citizen Children Impacted*]

- A 2016 study of immigration enforcement and housing foreclosures found that “deportations exacerbate rates of foreclosure among Latinos by removing income earners from owner-occupied households.”⁷

Deportations negatively impact family mental health and educational engagement.

- The most common mental health outcome observed in one study found that children of detained or deported parents became depressed, which led to deteriorating physical health and performance in school.⁸ Research has also found that mothers left behind after fathers are deported often experience social isolation and depression.⁹
- Large-scale enforcement has a particularly traumatic effect on children and a chilling effect on engagement with services.¹⁰ After a recent raid in Tennessee during which 97 individuals were detained, 600 children¹¹ are reported to have missed school

Fallout from deportation strains social service resources, while fear of enforcement prevents families from accessing needed services

- Immigrant parents without documentation are typically ineligible to access major benefits programs such as SNAP, Medicaid, and TANF.¹² When a deportation destabilizes a family, the County and community organizations thus become the main sources of emergency support.
- At the same time, both journalism¹³ and studies have demonstrated that during times of increased enforcement, immigrant families stop seeking or pull out of essential services including health care, education, and social services, increasing risk factors and reducing the efficacy of County programs.¹⁴

Entry into the child welfare system and termination of parental rights under duress are frequent consequences of deportation policies.

- As of 2011, there were at least 5,100 children currently living in foster care in the US whose parents have been either detained or deported. The same study that released those findings predicted that 15,000 more children may face a similar fate in the following 5 years.¹⁵

⁷ Fox 17 News Nashville, *Group says Tennessee immigration raid resulted in 600 children missing school* (April 9, 2018)

⁸ Migration Policy Institute, *Health and Social Services Needs of US Citizen Children with Detained or Deported Immigrant Parents* (September, 2015)
<https://www.migrationpolicy.org/research/health-and-social-service-needs-us-citizen-children-detained-or-deported-immigrant-parents> [hereinafter *Health and Social Services Needs*]

⁹ *Id.*

¹⁰ *Id.*

¹¹ Fox 17 News Nashville, *Group says Tennessee immigration raid resulted in 600 children missing school* (April 9, 2018)
<http://fox17.com/news/local/group-says-tennessee-immigration-raid-resulted-in-600-children-missing-school>

¹² *Health and Social Services Needs*

¹³ Roll Call *Immigration Crackdown raises Fears of Seeking Health Care* (January 25, 2018)

<https://www.rollcall.com/news/politics/immigration-crackdown-raises-fears-seeking-health-care>

¹⁴ *Health and Social Services Needs*

¹⁵ *Shattered Families*

- All parents have the right to receive a notification of custody proceedings affecting their children, attend such proceedings, and receive copies of related court documents. Yet there are few enforceable, permanent policies in place to protect these rights.¹⁶

Deportation and its collateral effects can impact any non-citizen in Oregon with or without permanent status as well as their children, partners, and employees.

- More than 220,000 non-citizens lived in Oregon in 2014.¹⁷
- 1 in 12 children in Oregon was a U.S.-citizen child living with at least one undocumented family member (71,208 children in total).¹⁸
- In 2015, immigrants accounted for 23.2 percent of business owners in the Portland/Vancouver/Beaverton metropolitan area.¹⁹

Closing the representation gap can prevent or mitigate collateral costs, keep families together, and provide permanent pathways to prosperity.²⁰

- Represented immigrants are more likely to be released from deportation, shortening periods of family separation.
- Represented immigrants who were never detained were nearly five times more likely than their unrepresented counterparts to obtain relief if they sought it (63 percent with counsel versus 13 percent without). Detained immigrants with attorneys were nearly twice as likely as their unrepresented counterparts to secure relief. In both cases, the immigrants in question obtain protection from deportation and stable, often permanent work authorization and lawful status.

¹⁶ *US Citizen Children Impacted*

¹⁷ American Immigration Council, *Immigrants in Oregon* (Sept 15, 2017)

<https://www.americanimmigrationcouncil.org/research/immigrants-oregon> [hereinafter *Immigrants in Oregon*]

¹⁸ *Id.*

¹⁹ *Immigrants in Oregon*

²⁰ American Immigration Council *Access to Counsel in Immigration Court* (September 28, 2016)

<https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court>