



League of Women Voters® of Portland

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To: Independent District Commission (IDC)
c/o Sofia Alvarez-Castro
From: Debbie Kaye, President League of Women Voters of Portland (LWVPDX)
for the LWVPDX District Team

The LWVPDX thanks the IDC for taking on the task of drawing the first city council districts in Portland since 1911. The IDC faces a tight timeline, but we are confident that the Commission will successfully complete this vital task.

We offer the following suggestions in a spirit of collaboration and hope they are useful. They primarily focus on the early phase of your work regarding discussion of district drawing criteria, but some suggestions may be applicable later. We also acknowledge that some of our suggestions may duplicate steps the IDC is already planning. But it seemed prudent to send this memo, as outlined below, early in your process.

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Terminology suggestions

- Avoid references to redistricting. Given the nature of their typical work, it is understandable that your consultants and many resources refer to redistricting, but avoiding use of that term for Portland in 2023 is suggested. Redistricting begins with analyzing population disparities in existing districts and then adjusting those boundary lines. The IDC is drawing four entirely new districts.
- Use terms that also educate. A possible description of the IDC task is “drawing boundaries of four council districts that meet, as nearly as practicable, criteria in the charter amendment adopted by Portland voters.” One advantage of this or a similar description is its implicit educational value. For example, the “as nearly as practicable” language is in the voter-adopted charter language and helps foster realistic expectations since it isn’t possible to draw “perfect” districts that satisfy all the interests of all stakeholders.
- Regarding multi-member districts:
 - Describe multi-member districts as being large districts akin to, though obviously not identical to, the four Multnomah County Commission districts.
 - Indicate that using ranked choice voting to elect three Councilors from multi-member districts facilitates representation of multiple communities of interest within each of the four districts. (This one-pager may be helpful votes-to-win

The League of Women Voters of Portland:

To promote political responsibility through informed and active participation in government.

information for the IDC: <https://lwvpdx.org/wp-content/uploads/2022/10/25%5E1-is-challenging-LWVPDX-yes-M-26-228.pdf>)

- Indicate that multi-member districts are less vulnerable to gerrymandering than small single-member districts.

Voting Rights Act (VRA) observations

The League thanks the city attorney for the memo on the VRA. We also suggest the IDC review a legal analysis available at the North Star Foundation Fact Book:

<https://www.pdxcharterfacts.com/blog/voting-rights-act>

In general, the League notes that consideration of the three preconditions that are all required under the *Gingles* test in Portland ends immediately due to our city's not meeting the first precondition pertaining to "a racial or language minority group sufficiently large and geographically compact to constitute a majority in a single-member district." This is demonstrated by the map at the first link below. Additional information is at the second link.

<https://bestneighborhood.org/race-in-portland-or/>

<https://www.portlandonline.com/portlandplan/index.cfm?c=52257>

The League concurs with the confidence of the legal expert cited at the North Star Fact Book that the reforms adopted by Portland voters would withstand any VRA related legal challenges. Indeed, Portland's racially diffuse demographic patterns was a factor behind the Charter Review Commission's recommendation for multi-member districts combined with proportional RCV. In general, it seems clear that the IDC has all the legal information needed on this topic and can focus on other matters.

Criteria are in the charter – is any IDC vote needed?

Independent District Commission votes, for example on maps, must be preceded by public hearings. Regarding district drawing criteria, however, we recommend a strong emphasis on public comment sessions. (See the next section for suggestions on such sessions.) Because the district criteria are in the charter, however, we suggest that a voting step on this topic by the IDC should not automatically be deemed necessary.

It seems like there could be two reasons for a criteria-related vote. One pertains to the possibility of selecting additional criteria. The second pertains to the possibility of adopting a priority ranking of criteria. The League urges caution about both possibilities.

Regarding adoption of additional criteria, we recognize that this is allowed in the charter, as long as there is consistency with state and federal law. Before contemplating this possibility, however, the League strongly urges the IDC to ask its consultants if they are aware of other jurisdictions whose process for drawing districts allows the line-drawing entity to adopt additional criteria, even if consistent with applicable state and federal law.

LWVPDX would appreciate getting an answer to this question since, if this IDC option is not or rarely allowed in boundary line drawing in other jurisdictions, this option would not seem to be a best practice. This would likely influence LWVPDX comment, if any, regarding possible additional criteria.

Regarding the IDC needing to take a vote because it wants to adopt a priority ranking for the charter criteria, the League suggests that this is not an appropriate step. After all, the Charter Commission did not recommend nor did Portlanders vote on a ranked list of criteria. Indeed, the IDC adopting a priority ranking of the charter's criteria seems to be beyond its authority and a step the League would oppose.

The League's concern about a criteria ranking vote is that it seems quite likely that there will be locations in Portland where one criterion could appropriately merit a higher weighting than another in terms of a specific line-drawing decision. For example, public testimony may identify a neighborhood park as an important community resource even if a boundary line to include that park "juts out" from an otherwise smooth stretch of a boundary that enhances a draft district's compactness. In other locations, to keep a cluster of renters in one district might mean a boundary line that crosses a major street to accommodate apartment complexes on either side of the street. Elsewhere, a cluster of small local businesses may merit inclusion in one district even if it means the boundary line would result in a district that includes portions of more than one of the City of Portland designated neighborhoods. See link for map of these neighborhoods: <https://pdx.maps.arcgis.com/home/webmap/viewer.html?webmap=a44235eeefbb458c8af539b03d1e8c57>

To summarize, the League does not believe a vote to rank the charter's unranked districting criteria is appropriate. And before any vote is taken on the IDC possibly adopting additional criteria, the League strongly urges careful consideration of whether this is out of step with districting best practices. Even if the IDC has the authority within the limits imposed by state and federal law, that doesn't mean that exercising that option is prudent.

Process suggestions for public comment sessions

The following suggestions are based on a difference we see between public hearings and public comment sessions. A public hearing, when testimony is being taken on a proposed action, in this case by the IDC, is not an appropriate setting for the suggestions below. Please check, however, on the suitability of our public comment suggestions in terms of whatever Portland rules or guidelines may be applicable.

Based on League experience observing many public comment sessions, we suggest that it would help the IDC and the public to provide context and pose questions. Given that drawing council districts is new in Portland and public awareness of Oregon's legislative and congressional districting is hindered due to this being a once-every-ten years process, we recommend beginning a public comment session with a basic explanation that covers the following points:

- Portland commissioners have been elected on a citywide basis since 1911
- Portlander's enactment of the charter changes in M 26-228 means that there will be four districts, with each electing three Councilors using proportional RCV
- The charter establishes an Independent District Commission to draw these four districts and identified the following line-drawing criteria:

Each district, as nearly as practicable, will be contiguous and compact, utilize existing geographic or political boundaries, not divide communities of common interest, be

connected by transportation links, and be of equal population. No district may be drawn for the purpose of favoring any political party, incumbent elected official or other person. No district may be drawn for the purpose of diluting the voting strength of any language or ethnic minority group.

- Numerous public hearings are required and this inaugural Commission must complete its work by September 1.

While stressing that the IDC wants to hear all types of input during a public comment session, also consider posing questions related to the meaning of the criteria. This approach can be beneficial to the IDC as well as to those interested in providing public input, since some people may be uncertain about what to say or are more comfortable responding to questions. Some members of the public may also find questions posed by the IDC helpful in developing their own questions and observations.

Possible questions are:

- What are the natural features or roads or community landmarks such as a school or park or community center or shopping district that help define communities of interest in your part of Portland?
- What roads or other transportation features such as light rail or streetcar lines help define communities of interest in your part of Portland?
- How do you define your neighborhood?
- Do you know how the City of Portland designates neighborhoods?
- Does your neighborhood definition align with a City of Portland designated neighborhood in your area?
- Do you view bridges across the Willamette River as transportation links that merit inclusion in one Portland district with components on both sides of the Willamette?
- How do you define communities of interest in terms of characteristics such as race, home ownership, business districts, immigrant status, primary language used, or other traits?
- What connections between different communities of interest might merit their inclusion into one Portland district?

Possible IDC small group discussions

- Review Multnomah County Commission district maps in terms of how they address communities of interest, natural features, roads, and other criteria.
- Review school district boundaries with a particular focus on Parkrose, David Douglas, and Centennial school districts that we understand to be all or substantially within the City of Portland. Also consider the Reynolds school district which includes a small portion of Portland.
- Review legislative districts while recognizing that many of them extend beyond the borders of the City of Portland and have been developed by elected officials.
- Explore the availability of resources familiar with the history of Portland's designation of neighborhoods which we understand to date back to the 1970's, though many areas were recognized as neighborhoods much earlier. This could be a challenging task but an understanding of how the City's neighborhoods were originally designated may be helpful to the IDC.