

**PORTLAND CHARTER COMMISSION
MINUTES of FEBRUARY 11, 2010**

Agenda #1: Chair Pro Tem Cohen called the meeting to order at 5:30
*Chair Plumb out of town tonight
*Introduction of Commission members to public
*Review of Agenda

Agenda #2: Public comment on agenda.

Charles Bragdon

- *Talking about legal residents; they're unrepresented
- *Paying taxes, kids in schools

Nancy Akers of Portland Street

- *You should not open gate to non-citizens to vote

Stephen Scharf of Veranda Street

- *I do not favor non-citizen voting in local elections

Otra Maya of Gorham

- *I Favor non-citizen voting

Mohammed Deni of Portland

- *I am a citizen but many of my family are not yet citizens
- *We work hard, children go to schools here but we cannot vote here

Linda Lawrence of Brookside Lane

- *Non-citizens should be US Citizens before voting

Anthony Zelli of Congress Street

- *I Asked a friend why he became a citizen; it was because America is his home.
- *Universal equal suffrage is a basic human right
- *Non-citizen legal residents pay taxes and go to our schools but have no say in how taxes are spent; rare opportunity to expand democracy

Wells Staley Mays of Portland

- *Favor non-citizen legal resident voting
- *Can own property and are taxed; taxation without representation

Michael Viogistino

- *I am a citizen; most people don't know how difficult it is to become a citizen
- *All are created equal and have a right to vote

Lado Lodoka of 3 Portland Place

- *Those who come here legally will become citizens but it takes a long time to learn the things they need to learn
- *They have children in the schools; those who represent them do not have to pay attention to them and there is no recourse.
- *It's in everyone's interest to have everybody in community be an active member of the community.

Sara Espicho, Chair of Sudanese Community Association

- *Non-citizens need to have voices in things, like schools

Justin Okari of Portland

- *I have questions about citizenship – if parents are citizens why aren't the children, even if not born here?

Emma Hallis O'Connor of West End

- *I'm a newcomer to Portland and favor non-citizen voting
- *I have only been here a short time, but I can vote; non-citizen residents have been here longer, have children in schools etc. and should be able to vote

Robert Noble of Atlantic Street

- *What is most precious right of citizenship - Voting
- *12 year old pays sales tax on his candy bar; should he have the right to vote?
- *When non-citizens first come here, they are usually on other side of the tax equation
- *I don't think paying taxes and obeying the laws is enough to be entitled to vote.

Peter Zoah of Chestnut Street

- *How do you make people get assistance with problems?

Melanie Shapiro of Portland

- *Worked with League of Young Voters in the fall of 2008; found that in neighborhoods with higher proportion of immigrant citizens, I would have the same conversations about candidates and the immigrants were often disappointed when they found out they could not vote.

Agenda #3: Minutes of 1/28/2010 meeting approved (11-0; Plumb absent)

Agenda #4: Announcements

Comm. Spritz:

*7 pm on Tuesday February 23 will have an open meeting in State of Maine Room.

*Purpose is to have informal meeting to hear from public on the issues we have voted on thus far and hear from them on those issues and any others they may have on their mind.

Comm. Mermin

*I have a memo from Chair Plumb which can be put on website

Comm. Ranaghan

*I object to breaking up into small groups where commissioners cannot hear everything that is said and where press can hear it.

Comm. Smith

*I would agree if this were only way of getting public input, but see it as an add-on to the other ways we have been getting input; can have a summary of what everyone said at the end.

Comm. Cohen

*I see this as one more way of getting input

Comm. Spritz

*I like the phrase “supplemental”. In summer we discussed variety of mechanisms for promoting public discourse.

*Merely a way of broadening ways of hearing from public

*Will report fully at the end. Not meant to replace any of the other formats.

Comm. Chipman

*Small group work is way of getting input from people who are intimidated by public speaking.

Comm. Valleau

*Are Commissioners going to have assignments for this?

Comm. Davis

*This is another way of engaging the public

Agenda # 5. Presentation of non-Citizen Voting Issue

Comm. Treverrow introduces issue; Ron Hayduk is author of “Democracy for All”; is an expert; have copies of his powerpoint presentation.

a. Ron Hayduk – Professor at Borough of Manhattan Community College

- *Non-citizen voting may seem outlandish and illegal at first blush
- *Legality – US Constitution does not preclude and US Supreme Court has upheld legality in various states.
- *Rational – really “restoring” voting rights; equal rights and equal treatment; benefits the community
- *Feasible – technologically; making a comeback around the world
 - 6 towns in Maryland
 - In Chicago
- *History – 1776 – 1926, non-citizens voted in 40 states and territories; could run for office;
- *Democratic ideals – consent of governed, representation; citizenship and voting not inextricably linked, e.g. blacks and women;
- *Encourages assimilation; legal permanent resident is a declaration of intent to become a citizen
- *Nurtured practical civics
- *Why was it eliminated? Fear is the short answer; prejudice, discrimination, threat to elite. Restrictions to voting imposed – poll taxes, literacy tests, registration etc.
- *Demographics are changing; 25 million adults in US are noncitizens
- *Some of problems are by-product of political exclusion
- *Voting is mechanism to keep government accountable
- *Allowed in various cities, sometimes only for school board; and in 45 countries
- *Washington Heights in NYC – resulted in improved schools
- *Arguments against Noncitizen voting
 - Citizen first, voting second - average time to become a citizen is 8-10 years; use to be easier to become citizen
 - Would dilute achieving citizenship – can enrich citizenship and community by encouraging immigrants to participate;
 - Lack of knowledge – true for someone moving here from out of state but they can vote as soon as they register
- *Stronger society when everyone participates
- *Political inclusion and political equality the basis for all civil rights movements

b. Beth Stickney – ED of Immigrant Legal Advocacy Project (ILAP)

- *Can send notes at end in more formalized format
- *Have done immigration law since 1986; love the incredible devotion new immigrants have to the country.
- *Serve about 1500 people per year, representing over 100 countries
- *Immigrant population

-undocumented, no valid visa or those who stay after their visa expires;

-tps – temporary protected status, designed for war-torn countries and natural catastrophe; have to have been here before tps is granted to country; e.g. Honduras, Haiti, Kuwait, El Salvador

-asylum seekers – cases can last for years

-refugees and asylees

-permanent residents

-professional workers – H1 visas of 6 year duration; students;

-Many cannot become citizens at all

*Requirements for citizenship

-Green card for at least 5 years; 3 if married to US citizen

-Good moral character

-Pass a test on history

-Willing to take oath of allegiance and be willing to bear arms for country

-Must be able to read and write English; many not literate in their native language

-if over 55, after 15 years could take citizenship test with an interpreter, or if over 50 and had green card for 20 years.

-\$675 to apply

*Have waiting lists to get into English classes at Portland Adult Ed

*Do have dual citizenship with many countries but with many countries, you lose your citizenship and your property may be taken away in your native country. May also have an emotional reason as to why they don't become citizens.

*TPS people may never have a way to become citizens, but put down roots here

*Mixed status families - have many of these.

*Green card – if out of country for more than 180 days, can lose green card; if gone for a year, there is a legal presumption against you;

*Immigration rules became more harsh in 1998 reform;

*If Commission adopts this, it should try to make it as unburdensome as possible, so proof of residency should be the issue rather than immigration status.

-DMV allows them to have people sign affidavits about where they live to get a license; could use a similar process or other proof of residency.

c. Gary Wood, Corporation Counsel

*There is a home rule argument to be made in favor of allowing non-citizens to vote in municipal elections by Charter, but it is a coin toss. I can certify it as legal if the Commission adopts it, however.

*Recommend the commission take it up on the merits and not be concerned about legality

*Comm. Chipman

*So you are saying we should look at the merits and not try to resolve it on legal basis.

d. Linda Cohen, City Clerk

*Sen. Alfond introduced this idea on state level

*Voter registration is dictated by the State; if we want to do something different, we would have to maintain a separate voting list, but that could be done. Could not be put on state list.

*Would need a separate incoming voting list so non-citizen would only get the municipal ballot, not the state ballot

*Secretary of State's office says we can use the same registration card, but if person checks off not a U.S. citizen, only get local ballot

*Would still have them provide identity and residency

*Could still put ballot into the machine

*Only concern – English skills not so good; do not have money for interpreters and cannot print ballots in many languages

*Comm. Spritz – would they be able to vote in county elections

*Clerk Cohen – no county offices are on state ballot

*Comm. Chipman – are you saying there are no extra costs?

*Clerk Cohen – do not see a huge cost to implement so long as we do not have to pay interpreters

*Comm. Ranaghan – questions for Mr. Hayduk

-When did Supreme Court rule on this issue? A. 1830's

-What about a residency requirement? A. Many places have 6 month to 1 year residency requirement

*Comm. Ranaghan – question for Clerk Cohen

-Would it be hard to enforce a time restriction A. yes

-Would like a cost estimate if we had to hire interpreters for the polls

*Comm. Ranaghan question to Beth Stickney

-Where does ILAP get its funding? A. Grants and donations

*Comm. Ranaghan question to Gary Wood

-Don't want to put this out and then have it overturned – only way to get definite answer is from legislature A. Yes.

*Comm. Davis to Mr. Hayduk

-Is it common to have different residency requirements for citizens and non-citizens. A. Yes

*Comm. Valleau

- Proud of our new Americans
- Citizenship is not just a piece of paper
- Portland is not anti-immigrant
- Many volunteers work with immigrants
- Maryland is looked at as “poster state” but very few non citizens have voted in the 6 or so towns where it has been enacted.
- English very difficult to learn, but how meaningful can it be for them to vote if do not understand American political process or the language?

*Beth Stickney

- People come here because Portland is safe, crime is lower, not huge schools;
- Would still like to become citizens to vote in national elections
- Even native born population don't necessarily read about the issues; get their information by word of mouth
- Many come to meetings

*Comm. Chipman

- Issue of interpreters to Beth Stickney – is it possible to get volunteer interpreters?
- Beth Stickney – there are many in community who work professionally and informally as interpreters but hard to make a living at it. Think people would volunteer if it was helping people in their communities have a voice in the community. Reality is that recent immigrants are accustomed to fact that place they walk into may not have an interpreter and are used to bringing someone with them. Could do public information forums.

*Comm. Spritz to Ron Hayduk

- Why is this issue essentially unused in America?
- *Ron Hayduk – combination of lack of information and inertia. People don't know that it's legal and possible.
- 1992 Takoma Park Md. Referendum – as of 1996 Immigration law the voter participation rate has declined.

*Comm. Gooch to Ron Hayduk

- Any evidence of intentional campaign to intimidate immigrant voters?
- Why did it end in NY in 2003?

*Ron Hayduk –

- The school system organization changed and non-citizen voting was eliminated but was not the reason for the organizational change.
- Do not have any specific knowledge of intimidation

-Very few allegations of voter fraud have been proven.

*Comm. Treverrow to Ron Hayduk

-In beginning of 1900's, movement to city manager form of government.

*Ron Hayduk

-Yes, in Progressive Era, late 1800's and early 1900's.

*Comm. Chipman

40 states had non-citizen voting

*Ron Hayduk

Maine and Massachusetts eliminated NCV rights early – 1820's

South eliminated during civil war

1890's and WWI when most states repealed it, last state to repeal it was in 1926.

*Comm. Cohen

*To Gary Wood – excerpt from Immigration Voting Project concluding that Maine needed statutory change

Title 21-A – says voter has to be citizen

Title 30-A – home rule may let you vote in municipal elections

Then could charter say that you could vote under the age of 18?

*Gary Wood – that would be the logical extension of it.

*Gary Wood – don't you get to 21-A if it is not an election under 21-A.

*Comm. Cohen

*But 21-A says “in any municipal election”.

*21-A and 30-A are in conflict. If 21-A applies, we cannot change state law. If 30-A applies, then charter could change age and residency as well as citizenship.

*Ron Hayduk

*Issue of legality of charter provisions also came up in San Francisco and NYC.

*In California is written into state constitution.

*May have to be settled in court.

*NY and San Francisco moving ahead regardless

*Almost always have legal challenges

*Usually considered in cities with large influx of immigrants, immigrant advocates, sympathetic advocates.

*Comm. Cohen – do the Commissioners need additional facts or information on this issue?

*Comm. Davis – would like to have some numbers on how many this would enfranchise, how many are currently disenfranchised?

*Charles Bragdon – think it's about 6.3% of population.

*Beth Stickney – We do not have firm figures. All the data is incomplete. No one can say how many immigrants are in Maine. We think there are about 58,000-68,000 statewide

-21% growth rate in immigrant population statewide.

-Most figures are an undercount

*Comm. Smith to Beth Stickney

-I'm trying to get a sense of whether we're talking about 500, 2500, 5000, 7500 or more. Can someone make an educated guess?

*Beth Stickney – could extrapolate some numbers.

Agenda #6 – New Issues for Consideration

*Comm. Cohen – have technical committee memo which lays out a few substantive issues and Comm. O'Brien's issue of censure and removal.

*Comm. O'Brien –

Handout for discussion on censure and removal

Censure in Bangor Daily News article

*Comm. Spritz

-Issue of nurturing new leadership in Portland

-Not necessarily a charter issue and would like us to think about ways to foster leadership in City even if not a charter issue.

*Comm. Valteau

-Issue of whose budget is it?

*Comm. O'Brien

-Whether we should have subtopic of role of Economic Development under mayor position.

*Comm. Cohen

-Reviewed work plan for the 25th.

Adjourned at 8:30.