



Jaime Valdez/Pamplin Media

From left, Republican nominee Christine Drazan and Democratic nominee Tina Kotek, listens to unaffiliated candidate Betsy Johnson speak during a governor's debate July 29, 2022, that the Oregon Newspaper Publishers Association hosted at Mount Hood Oregon Resort in Welches.

TOSS UP

GOP hopes stoked in Oregon even as party hits West Coast low point

By GARY A. WARNER
Oregon Capital Bureau

SALEM — A new election forecast says there's wobble in Democrats' 40-year hold on the Oregon governor's office, even as Republicans hit a historic low point along the West Coast.

The Center for Politics at the University of Virginia on Thursday, Aug. 18, moved the Nov. 8 race for Oregon governor from "Leans Democratic" to "Toss-Up."

"This is despite the state's blue lean and the fact that Republicans have not won a gubernatorial race there since 1982," wrote Kyle Kondik, the center's managing editor.

The key change is the near certainty of a three-way race for governor that might trip up Democrats seeking to hold onto a job last held by a Republican when Vic Atiyeh won a second term 40 years ago.

Former Democratic State Senator Betsy Johnson of Columbia County turned in nominating petitions with over 48,000 signatures on Tuesday — more than twice the minimum needed to get on the Nov. 8 ballot as an unaffiliated candidate.

Secretary of State Shemia Fagan has until Aug. 30 to verify a random sampling of petition signatures in time to officially add Johnson to the general election alongside Democrat Tina Kotek of Portland and Republican Christine Drazan of Canby.

"The race sets up an unusual situation where the winner may not need to crack even 40%," Kondik wrote.

Three candidates — and no 'centrist' nomination

Much of the election debate has centered around who Johnson would most hurt, Kotek or Drazan. All three served as late as last year in the legislative leadership. Kotek as House speaker, Drazan as House minority leader, and Johnson as a swing-vote Democrat and co-chair of the budget-writing Joint Ways & Means Committee. All left office early to run for governor — with Johnson also dropping her Democratic party affiliation of 20 years.

Adding to the scrambled election math is a decision by leaders of the Independent Party of Oregon — known as the IPO — to forego an alliance with one of the candidates.

"There will be no cross-nomination on this one," Independent Party board member Andrew Kaza of Redmond said Aug. 18.

A cross-nomination by the self-described "centrist"

Independent Party is usually used by a candidate as symbolic of being the less partisan choice in a race.

So far in 2022, the Independent Party has cross-nominated 52 candidates for federal, state, and local offices. Cross-nominations were awarded to U.S. Sen. Ron Wyden, D-Oregon, and two Democratic candidates for open U.S. House seats: Terrebonne attorney Jamie McLeod-Skinner in the 5th Congressional District and Rep. Andrea Salinas of Lake Oswego in the 6th district.

The Independent Party of Oregon has heavily favored Democrats in 2022. Still, Sen. Bill Kenemer, R-Oregon City, and Rep. Mark Owens, R-Vale, are among five GOP candidates to win the IPO nod.

'THE RACE SETS UP AN UNUSUAL SITUATION WHERE THE WINNER MAY NOT NEED TO CRACK EVEN 40%.'

— Kyle Kondik, managing editor for the Center for Politics at the University of Virginia

Kaza said Independent Party leaders are free to announce their personal preferences. But no one in the governor's race will be able to have the party's identification added to their ballot line that a cross-nomination would allow.

The Center for Politics forecast said the undulating national political scene and three strong candidates was enough to put a question mark next to the Democrats' historic win streak for the Oregon governorship.

"Outgoing Gov. Kate Brown (D) is deeply unpopular, and there may be some desire for change in the Beaver State," Kondik wrote. "Johnson, the independent, would still be the most surprising winner, and Kotek and Drazan both will be working to try to prevent their voters from flocking to her banner."

Two other major national forecasters — the Cook Political Report and FiveThirtyEight — have previously moved the Oregon governor's race from a likely Democratic win to the less certain leaning Democratic victory.

GOP misses early chance to end West Coast shutout

The Oregon election speculation came on the heels of Washington voters earlier this month ensuring the official end of a 56-year winning streak by Republicans for the office or Washington secretary of state.

The Aug. 2 Washington state primary cemented Democrats' hold on every executive state office on the West Coast states of California, Oregon and Washington.

Kim Wyman, a Republican, won a third four-year term as Washington secretary of state in 2020, retaining the office held by the GOP since the 1964 election. In 2021, she resigned to accept an appointment by President Joe Biden to oversee federal election security efforts.

Washington Gov. Jay Inslee appointed Washington Sen. Steve Hobbs, a fellow Democrat, to the position.

"This is pretty surreal for me," Hobbs said when sworn in last November.

What was surrealistic for Hobbs was infuriating to state Republicans. Unlike Oregon, Washington did not have a law requiring that the governor appoint a replacement from the same party.

GOP officials said the interruption in the line of Republicans in the office would be swiftly reversed with the special election in 2022 to fill out the remainder of Wyman's term.

Washington uses a system that includes an open primary. The top two candidates, regardless of party affiliation, would advance to the Nov. 8 general election.

Seven candidates, including three Republicans, ran against Hobbs in the primary.

Hobbs finished with 40% of the vote. In the scrum of others, unaffiliated candidate Julie Anderson finished second with 13%.

There would be no Republican on the ballot.

Anderson, the Pierce County auditor, would be the first secretary of state without a party affiliation to win the office since 1896.

Hobbs would be the first Democrat to hold the office since Victor Aloysius Meyers, described by the Seattle Times as a "former Depression-era jazz-band leader" lost his bid for a third term in 1964.

Gov. Arnold Schwarzenegger was the last statewide Republican officeholder in California, leaving office in 2011.

Secretary of State Dennis Richardson was the last Republican elected to statewide office in Oregon, winning the 2016 election, but dying in office in 2019.

Under Oregon law, Richardson's replacement had to be from the same party, and Gov. Kate Brown, a Democrat, appointed former House Speaker Bev Clarno of Redmond to fill out the remainder of the term.

Clarno did not seek election to a full term in 2020. Fagan, a Democratic state senator from Clackamas County defeated Sen. Kim Thatcher, R-Keizer.

How the historic trends and state shutouts and crumbling consensus plays out in 2023 still has more than 11 weeks left to play out until the generation election on Nov. 8.

Groups petition Oregon to regulate air emissions from dairy

By GEORGE PLAVEN
Capital Press

SALEM — A coalition of 22 environmental, public health and animal welfare groups is petitioning Oregon regulators to adopt new rules targeting air pollution from large-scale dairies.

The petition, filed Aug. 17 with the state Environmental Quality Commission, seeks to create a dairy air emissions program that would apply to farms with 700 or more mature cows, which the federal Environmental Protection Agency defines as a "large" operation.

Under the program, proposed and existing dairies would be required to obtain an air quality permit and curb harmful emissions. They include ammonia, methane, hydrogen sulfide and particulate matter, among others.

Opponents argue the proposal is misleading, and would include family farms that can ill afford more costly regulations.

Emily Miller, staff attorney for Food and Water Watch, estimated the proposal would apply to 91 dairies in Oregon. That is 39% of all Grade A dairies and have 84% of all cows.

"For too long, the state has sat idly by while Oregon mega-dairies have been spewing toxic pollution into the air, wreaking havoc on our natural resources, climate and communities," said Miller, the petition's lead author. "This head-in-the-sand approach must change."

The commission has 90 days to respond.

Confined animal feeding operations such as dairies are jointly regulated by the state's Department of Agriculture and Department of Environmental Quality.

However, the agencies are only responsible for ensuring the manure handled by CAFOs does not contaminate surface or ground water.

As early as 2008, a state-convened Dairy Air Qual-

PETITION TO EQC

Twenty-two organizations have petitioned the Oregon Environmental Quality Commission to create a dairy air emissions program that would regulate farms with more than 700 cows.

Petitioners include:

- 350 Eugene
- 350 Deschutes
- Animal Legal Defense Fund
- American Society for the Prevention of Cruelty to Animals
- Beyond Toxics
- Center for Biological Diversity
- Center for Food Safety
- Columbia Riverkeeper
- Comunidades Amplifying Voices for Environmental and Social Justice
- Environment Oregon
- Humane Voters Oregon
- Farm Forward
- Farm Sanctuary
- Food & Water Watch
- Friends of the Columbia Gorge
- Friends of Family Farmers
- Mercy for Animals
- Northwest Environmental Defense Center
- Oregon Physicians for Social Responsibility
- Pendleton Community Action Alliance
- Public Justice Foundation
- World Animal Protection

ity Task Force recommended a dairy air emissions program in its report to ODA. Fourteen years later, Miller said, almost nothing has been done.

"Meanwhile, these operations keep getting bigger and bigger, and keep emitting more pollution into Oregon's atmosphere," she said. "This program is long overdue."

Food and Water Watch's analysis of state and federal data shows dairies with more than 2,500 cows in Oregon collectively release more than 17 million kilograms of methane every year, equivalent to the

emissions from 318,000 cars.

Miller said not only are methane emissions exacerbating climate change, but pollutants can also cause health problems for employees and nearby communities. She said more than one-third of all dairy cows in the state are in Umatilla and Morrow counties.

The largest dairy, at Threemile Canyon Farms, has 70,000 cows about 15 miles west of Boardman along the Columbia River.

Mary Anne Cooper, vice president of public policy for the Oregon Farm Bureau, said the petition is a new tactic from groups that have long opposed large dairies.

In 2017, legislation was introduced in the state Senate directing the EQC to establish a dairy air emissions program. That bill, SB 197, died in committee.

Cooper said dairies have already voluntarily adopted best management practices to minimize air emissions, such as a methane digester built at Threemile Canyon Farms, which is used to generate electricity and renewable natural gas.

The petition, Cooper said, claims to address so-called "mega-dairies," yet the threshold of 700 or more cows is "very much family-scale operations in this state."

"You cannot support a family on a couple hundred milk cows," she said. "Their costs already exceed what they're getting on the market for their product."

Between added costs due to inflation and the passage of a state law mandating farmworkers be paid overtime, Cooper said it has already been a difficult year for producers.

"This (air emissions program) will have a real impact on people and on families," she said. "We have an industry with such tight margins. They're already trying to figure out how to accommodate a number of new regulatory burdens this year alone."

Re-worked commission fires Oregon's public defense head

By PETER WONG
Oregon Capital Bureau

SALEM — Chief Justice Martha Walters has appointed four new members and reappointed five others to the state commission that oversees legal representation for indigent criminal defendants.

She moved to remove all nine members of the Public Defense Services Commission after the panel failed to fire Stephen Singer after eight months as executive director of the Office of Public Defense Services. Singer's defenders said he has put new energy into that troubled system, but his critics say he is abrasive with some officials.

The new commission scheduled a closed-door meeting Wednesday to review Singer's performance, and another meeting on Thursday, Aug. 18, to continue that review — and possibly act to remove Singer.

Under a 1963 decision of the U.S. Supreme Court, criminal defendants are entitled to legal representation in state and federal courts as a constitutional guarantee under the Sixth Amendment. But some criminal defendants, particularly in Multnomah and Washington counties, have lacked such representation.

The Legislature did release \$100 million withheld from the agency budget, approving what amounts to a \$13 million patch to the system. But legislative leaders and Gov. Kate Brown say more work needs to be done.

The agency is part of the judicial branch, but its budget is not under the control of the chief justice of the Oregon Supreme Court, who leads the state trial and appellate courts.

Walters released this letter after she announced the new commission on Aug. 16:

"The issues before the

commission are complex and demand a level of expertise, lived experience, commitment to public defense, and demonstrated ability to work collaboratively across the different branches of government and, as importantly, with the people directly involved in delivering public defense services to the people of Oregon.

"Many people have important roles in the delivery of those services, including not only the lawyers who represent eligible clients, but also the dedicated staff at OPDS whose work is necessary to ensure that the system functions, and the judges who must respond when individuals seek the legal counsel to which they are constitutionally entitled. All deserve our recognition, respect and gratitude.

"I am appointing each of you because of what you bring to this mission and vision. I also am appointing you because I believe that, collectively, this body can build on the decisions and commitments already made and move forward to achieve the necessary changes with an inclusive and respectful approach that unites us in our common goal. "This change in leadership occurred quickly, and our work will commence as quickly. These issues are too important to delay."

Within a couple of hours of their removal on Aug. 16, Walters named four new members. They are in alphabetical order:

- Peter Buckley, former state representative from Ashland (2005-17) and former House co-chairman of the Legislature's joint budget panel (2009-17). He is a project manager at Southern Oregon Success, a nonprofit consortium serving children, youth and families in Jackson, Josephine and Klamath counties. It is overseen by the Southern

Oregon Education Service District.

- Jennifer Nash, a lawyer in Corvallis who specializes in criminal and family law, but does not provide public defense. She has been on a governor's task force on the issue, administered the public defense services contract in Benton County, and sat on the pay parity committee of the Oregon Criminal Defense Lawyers Association.

- Jennifer Parrish Taylor, director of advocacy and public policy for the Urban League of Portland. She also is a public member of the state Board on Public Safety Standards and Training.

- Kristen Winemiller, a lawyer in Portland who led the Oregon State Bar task force on indigent defense in 2000 and is a life member of the Oregon Criminal Defense Lawyers Association.

The reappointed members are:

- Per Ramfjord, chair, a trial lawyer at the Portland firm of Stoele Rives, Oregon's largest private firm.

- Paul Solomon, vice chair, and the executive director of Sponsors Inc., a prisoner re-entry program based in Eugene.

- Alton Harvey Jr., an addiction services mentor for Volunteers of America, based in Portland, and one of four commission members who opposed the firing of Singer.

- Lisa Ludwig, a lawyer with the Portland firm of Ludwig Runstein.
- Max Williams, outgoing president of the Oregon Community Foundation, a lawyer, and former state representative (1999-2004) and former director of the Oregon Department of Corrections (2004-11).

All commission terms are four years. The chair and vice chair will serve for two years.