**Open and Accountable Elections Commission Meeting Minutes**

April 21, 2021

**OAEC Members Present:** AmySample Ward, Courtney Helstein, Sabra Purifoy, Norm Turrill, Amy Ruize, Cristina Nieves. **OAEC Members Absent:** Anahi Rodriguez, Berk Nelson, Thomas Mosher. **Staff Present**: Deputy Director Daniel Lewkow. **Staff Absent:** Director Susan Mottet. **Public**: Jenny Lee.

7:05-7:15pm – Housekeeping

* Approve minutes

The March meeting minutes were unanimously approved by the OAEC

* Appointment/reappointments
  + Courtney, Burk, Sabra were renewed for 4 years
  + Jenny Lee was approved for 4 years officially starting May 1, replacing Thomas on the Commission

The Portland City Council renewed the 4-year terms of OAEC members Courtney Helstein, Berk Nelson, and Sabra Purifoy. Their terms will last until May 2025. The City Council also approved the nomination of Jenny Lee to join the OAEC. She will replace OAEC Thomas Mosher starting on May 1st, 2021.

7:15-7:30pm – Program updates

* Auditor delegation of Honest Elections enforcement
  1. Auditor is unwilling to delegate to OAE program director but would be willing to delegate to Rubio; Rubio is not comfortable doing that. City Attorney’s office confirmed Auditor can delete to program director but is so far refusing.
  2. Someone has retained legal counsel to explore feasibility of repealing OAEC; will receive more information if/when available.

The negotiations with the Auditor’s office to delegate the enforcement of Honest Elections has hit a snag. The Auditor is unwilling to delegate the program to OAE, because she believes that such a move would be legally questionable. The City Attorney’s office has stated that the program could be delegated to OAE, but the Auditor is still unwilling to do it. The Auditor is open to delegating the program to Commissioner Rubio, who ultimately oversees OAE. But Commissioner Rubio does not support this step, as she is concerned with the idea of an elected official overseeing Honest Elections.

OAE staff was contacted by the law firm Davis Wright Tremaine recently. An attorney was exploring how the program operate in the 2020 election, and based on its clients and past work, it is possible that someone has retained their counsel to explore the possibility of repealing OAE. Unfortunately, we do not have much information beyond that, but staff will continue keep an eye on this development.

* User experience report draft

The User Experience Report has been drafted, and is ready for OAEC members to review it. The Report will be provided to the full OAEC. If enough edits are needed, the OAEC will then form a subcommittee to review and offer input.

Deputy Director Lewkow asked if the User Experience Report and the OAEC Report should be released one after another, or simultaneously. Chair Sample Ward said they should be released at the same time, since the User Experience report is somewhat of an addendum to the OAEC report, and thus compliments it. Commissioner Ruiz agreed.

* Summary of findings to broader stakeholders:

Upon the OAEC’s request, staff reached out to a number of organizational stakeholders who had not engaged with the program, including organizations representing realtors, developers, and local businesses. The purpose was to ask for their feedback on the program and to learn why they did not utilize it. The key findings were:

* 1. There was a general unwillingness to reconsider or tweak electoral strategies to partake in OAE, including spending money and issuing endorsements.
  2. The timing was an issue, since ballot filing deadlines are in early March and the organizations do not pick candidates before that time. So under their current rules, they cannot give candidates seed funding.
  3. There was some limited interest in giving candidates the in-kind donations that are allowed under OAE
  4. Many of these organizations’ will continue to engage using independent expenditures

Commissioner Berk Nelson is working on collecting feedback from the Portland Business Alliance

* Director Mottet had a meeting with several historically underrepresented groups and conducted one-on-one conversations about how to best improve the program. She got a list of ideas but still needs to process and refine them further. These ideas included:
  1. Eliminate the total campaign fundraising cap
  2. Clarify in-kind donations to say that all volunteer time and services are not included in the in-kind limits
  3. Eliminate the in-kind categorization of providing goods and services around accessibility (such as paying for closed captioning on a commercial, but not paying for the full commercial)
  4. Instead of the in-kind campaign cap of $20,000, either permitting certain campaign activities around organizing everyday voters (e.g. paid staff to volunteer canvassing) or creating a classification for small donor organization and allowing larger contributions from them

Commissioner Nieves asked if there was any attempt to coordinate these potential amendments with the state legislature’s potential efforts to limit and disclose large donations. Nieves and Commissioner Turrill both said that they were tracking the legislative discussions, and the policies are still in flux. Deputy Director Lewkow said that he would connect with Director Mottet to discuss this suggestion.

7:30-8:30pm – Amendments (match rate, matchable amount discussion + user feedback)

OAEC staff had created a survey to evaluate where members of the public, community organizations, treasurers, and former candidates felt about the potential changes to the program’s rules. 10 individuals filled out the survey. Deputy Director Lewkow reviewed the collected feedback with the OAEC.

* Commissioner Turrill: this is a small sample group of people with niche experience, and likely does not represent the wider public’s views on these potential changes. Commissioner Nieves: I would be reluctant to have the City Council to see our amendment recommendations with such a small number of people’s feedback and have this influence their thinking.
* Commissioner Purifoy: how many people did this survey go out to? Deputy Director Lewkow: it was directly sent to all three treasurers who had candidates run under OAE, and our complete list of candidates, campaign staff, and organizations. And we also put it on our website for the public to access. Commissioner Purifoy: it then appears that this survey was made available to a wide audience. We cannot force people to fill it out, so we can only work with the feedback that we have.
* Deputy Director Lewkow asked what next steps should be. Commissioner Helstein: it would be helpful to identify the proposals where survey respondents did not agree (such as where they were split or more disagreed with making the change than agreed with it). And then dedicate a subcommittee meeting to discussing those before we make any further recommendations. Commissioner Ruiz agreed, and pointed out that it would be necessary since many of the amendments are interdependent with each other. Commissioner Turrill: if any of these are controversial, we should not move on them just yet. Deputy Director Lewkow said he would bring up this suggestion to Director Mottet
* Commissioner Ruiz: Has Commissioner Rubio evaluated these proposals? Deputy Director Lewkow will explore this and circle back with answers
* Commissioner Ruiz: If there is a way to build an email list with all people who have engaged with the program, we can then communicate with them about news or program updates. Deputy Director Lewkow pointed out that staff does have such a list, and it is a resource that it can draw on