**Open and Accountable Elections Commission**

Meeting Agenda

*Jan 20, 2021*

**OAEC Members Present**: Amy Sample Ward, Amy Ruiz, Thomas Mosher, Anahi Segovia, Cristina Nieves, Sabra Purifoy, Courtney Helstein, Norm Turrill. **OAE Staff Present**: Susan Mottet (Director) and Daniel Lewkow (Deputy Director). **OAEC Members Absent**: Berk Nelson

**Housekeeping** (7:05 -7:15 pm)

* Review the December meeting minutes
* OAEC chair and vice chair election

OAEC unanimously approved the December 2020 meeting minutes

Elections were held for Chair and Vice Chair. Commissioner Purifoy nominated Commissioner Amy Sample Ward for Chair. Commissioner Ruiz nominated Commissioner Segovia for Vice Chair. Both accepted the nomination, and were approved unanimously by the OAEC

**Program Updates** (7:15-7:35pm)

* Update on User Research Project
* Update on conversation with Auditor’s office about HE enforcement
* Review data from the Donor Surveys and 2016/2020 campaign fundraising trends

Director Mottet updated the OAEC on the user research project. The individual interviews have been finished, and the survey of donors has collected all of its data. The next phrase of the project focuses on Design Research Consultant Amy Santee writing the report and the recommendations. We expect to have the finished product by February or March.

Director Mottet gave an update about the conversations with the Auditor’s office over OAE potentially administering the Honest Elections program for the 2022 elections. The Auditor’s office has started the rulemaking process with Honest Elections, but Director Mottet will request that OAE lead that process if it ends up administering HE. Director Mottet and Auditor’s staff discussed the possibility of using a charter amendment to merge the two programs and to make it truly independent from elected official oversight. The Auditor’s staff signaled that they may take a neutral stance on such an amendment.

OAE staff has collected the aggregated data on the 2020 candidates who ran under OAE, as well as the donations of a selection of candidates who ran in 2016. Here are the key data takeaways

* Average contribution was $317 in 2016, but dropped to $61 in 2020 (for OAE participants)
* Average donation per donor was $1,221 in 2016 and $81 in 2020
* Median donation was $100 in 2016, and $31 in 2020
* Median per donor was $400 in 2016 and $50 in 2020
* The unique candidates helped to change the dynamics. For instance, 2020 mayoral candidate Sarah Iannarone brought in a large number of small donors
* Staff does not yet have the zip code data that would highlight representation. But staff should have it ready by the next OAEC meeting
* Commissioner Sample Ward asked how much the OAEC report will cover information we already had vs the data that staff just collected. Sample Ward recommended including the new data and trends in the report, since it provides more context.

**2022 Election** (7:35-7:45 pm)

* Review the 2022 program schedule
* Discuss when to require reporting, and then how to create 2022 reporting schedule
* Re-evaluate documentation requirements
  + Eliminate documentation requirement for checks and credit card donations given via paper
  + Asking for bank statements or vendor statements proactively

OAEC members reviewed the draft schedule for the 2022 election. Major proposed changes are:

* Candidates can turn in their Notices of Intent and start fundraising now. In the 2020 election cycle, they could not begin that process until July 2019
* The last matchable donation can be collected as late as ten days before election, instead of three weeks ahead of the election in 2020.
* Chose Jan/7/22 as the deadline for the Notice of Intent, and Jan/8/22 as the deadline for submitting the certification application. This is similar to the last cycle, but the latest that we can schedule it to still figure out how many candidates are participating, and thus whether we can give the full matching amount. If we cannot, then candidates still have time to withdraw from the program and compete.
* Commissioner Nieves asked: was this influenced by Honest Elections and how more people may participate in OAE now that the HE contribution limits are in place? Director Mottet: HE limits are still under litigation, and could be struck down mid-cycle. The program must work with or without HE.
* OAEC members reviewed and did not object to draft schedule.

OAEC members discussed the potential reporting schedule for the next election cycle

* Last cycle, OAE did not require candidates to report until September 2019, because that was when OpenElections.org software would be ready.
* Now we need to set a date for when candidates should start reporting for the 2022 cycle. Candidates cannot file for certification until they qualify for ballot, and the earliest that can happen is Sept/10/21.
* Director Mottet recommended starting the reporting cycle in mid to late August. Commissioner Helstein: if they filed their Notice of Intent and start collecting the qualifying donations, when can they receive their match? Director Mottet: They cannot apply for certification until they get on the ballot, which is Sept 10th. OAEC could make a rule that the program can issue matching funds before the Sept 10th date. But what if they get matching funds and they never get on the ballot? Commissioner Mosher: what if they can get certified before but cannot get the match until they are on the ballot?
* OAEC members did not object to this potential provision or the draft schedule

OAEC members discussed changing the reporting requirements

* Last cycle, OAE required a signed attestations for credit card payment, checks, or cash donations. OAE could keep requiring attestations for cash payments, but not for credit card or check gifts, because there is already a paper trail for check and credit card, and so eliminating the attestation requirement would reduce the unnecessary reporting for candidates. OAEC members did not object to this change.
* Last cycle, staff experimented with emailing and texting a digital link to confirm instead of postcards, but Commissioner Amanda Fritz was unwilling to pursue this strategy. Director Mottet asked if it was worth pursuing this strategy again, since the program is now under Commissioner Carmen Rubio? OAEC did not object.
* OAE was asking campaigns to submit vendor and bank statements proactively. But in the few cases where a donor contested a donation, OAE staff can pull info ourselves. It was difficult for campaigns to submit the records proactively, and they had the ability to manipulate the document. Commissioner Nieves: people can get scared by technology and may be concerned with us being proprietary with their confidential data. Commissioner Sample Ward: did campaigns complain about this issue? Director Mottet: no, but they complained that there were so many things we required them to report. Commissioner Sample Ward: seems like it is mostly unnecessary work for them, and in the mandatory training, staff could share that we may ask for statements. OAEC did not object to this change.

**Code Amendments** (7:45–8:30 pm)

* Process for considering dozens of amendments that aren’t particularly substantive or controversial
* Discuss several substantive amendments to the Code

Director Mottet: there are two categories of amendments. Most are non-controversial, but others will need more substantial discussion. For the non-controversial amendments, Director Mottet proposed creating a sub-committee to evaluate them all, and bring any major concerns to the whole OAEC. Volunteers for the sub-committee included Commissioners Mosher, Helstein, Sample Ward and Ruiz. Deputy Director Lewkow will follow up with some scheduling options.

Potential amendment: changing the name of Open and Accountable Elections to something shorter

* Commissioner Turrill liked “Accountable” in the name. Commissioner Sample Ward: what that word means to him? Commissioner Turrill: it means that the program is accountable to the voters.
* Commissioner Nieves asked if we create more confusion with longer name, a shorter name can be better but the program still needs to do significant outreach. Commissioner Sample Ward: we definitely need more awareness, maybe we should just say what we mean with the name? Commissioner Nieves: what are we trying to accomplish and embed into the name? Commissioner Ruiz: an obvious name broadens the understanding and brings more people in.
* Commissioner Mosher: timeline for merger is important. Director Mottet: If OAE takes on HE enforcement, that might change the overall commission name to something broader. Commissioner Mosher: Maybe should wait until we have clarity from Auditor’s office about whether they’ll delegate it to us. Commissioner Ruiz: we should change it now because it is easier to change it sooner with all the feedback that we already have.
* Commissioner Ruiz did not like Open Elections because it led to confusion with Honest Elections, proposes Small Donor Matching Elections. Commissioner Turrill: Open is used too often. Commissioner Ruiz: Does Matching make sense if we move away from matching and do vouchers instead? Commissioner Sample Ward: does not like Fair because the term is very subjective.
* Director Mottet: should the Amendment Subcommittee brainstorm names? OAEC had no objection

Potential amendment: eliminating the signature-gathering requirement

* To get certified, candidates must collect 100 signatures from registered voters to get on the ballot. But they already need to collect the 250 small donations to get certified anyway. Candidates have voiced that it is redundant, and you cannot do it at the same time since the donation collecting can start before the Sept 10th filing date. Can we let people pay the $30 filing fee instead of having to collect the required signatures? Commissioners Ruiz, Sample Ward, and Turrill in favor of eliminating the signature requirement. No other OAEC objections

Potential Amendment: change the seed funding provision

* The current $5000 seed donation option is viewed as a loophole for big money, and user research showed that when candidates explained this, it lost donors and faith in the program wavered. Does it harm the credibility of the program’s anti-corruption goals? Many candidates said they did not need the seed funding anyway because they raised the initial money so quickly. Commissioner Ruiz: did this come up in the interviews? Director Mottet: it came up in the surveys. Suggested reforms could be allow seed funding of $5000, or allow seed funding but no donor can give more than $500 or $1000 and thus not trigger disclosure requirement. Commissioner Ruiz: like the $500 alignment and would support keeping the $5000 total. Commissioner Sample Ward: stick to $500. Director Mottet: Allow $5000 in seed funding but in $500 increments to align with HE? And allow candidates to transfer $5000 from old campaign account? Commissioners Ruiz and Sample Ward: candidates can carry over $500 from previous account but it counts as a seed donation.

Potential Amendment: change the in-kind donation provision

* Currently candidates can accept $20,000 in in-kind donations. This is viewed as a loophole for big money. No other locality has this kind of provision. And OAE got a lot of feedback on how difficult it was to follow the in-kind rules.
* There are suggestions to eliminate the limit, increase the limit since some view the in-kind as not high enough to meaningfully coordinate, or have a high limit for certain activities (legal services, childcare, volunteer management, interpreters). Commissioner Sample Ward: would help to set different limits for different in-kind activities.
* Getting rid of the provision could prevent an artist from giving over a good (they can volunteer but not give a good that has value). Commissioner Mosher: some organizations offer staff time to candidates, if they cannot marshal a lot of funds. Commissioner Mosher: candidates need to have an office and in-kinds really help with that, maybe helpful to iterate all the different in-kind rules and what would count towards a limit.
* Commissioner Ruiz: maybe the sub-committee could explore this? Commissioner Helstein: Before we recommend anything, need to invite organizations to give input and do not inadvertently disenfranchise communities. Director Mottet: will delegate to subcommittee, create a separate meeting devoted to in-kinds, and will invite other groups to offer input.