**Portland Elections Commission**

Meeting Agenda

*January 18, 2023*

**PEC Members Present:** Amy Sample Ward, Sabra Purifoy, Amy Ruiz, Norman Turrill, Cristina Nieves, Courtney Helstein. **PEC Members Absent:** Berk Nelson, Anahi Rodriguez, Jenny Lee. **PEC Staff Present:** Daniel Lewkow. **PEC Staff Absent:** Susan Mottet. **Public Present:** Carol Cushman, LWV.

**Housekeeping** 7:05-7:10

* Vote on December 2022 minutes

The PEC’s December 2022 Meeting minutes were approved by every member present, except Commissioner Turrill, who abstained since he was absent from the December meeting.

**Program Updates & Discussion** 7:10-7:45

* Update on independence – Charter amendment
* Update on program home – in the interim
* Update on Charter-reform conforming amendments based on PEC recommendations
* 2024 Election Cycle Dates
  + Revisit the dates discussed—but not approved—in the Dec 2022 meeting

Deputy Director Lewkow briefed the PEC that last month, the Portland Charter Review Commission successfully referred out to voters the option to create an Independent Portland Elections Commission, with Small Donor Elections and other ethics and campaign spending programs under the IPEC. Tomorrow’s City Council meeting will have the report back, and soon we should see the draft of the ballot measure. That draft will be shared with PEC when available. Commissioner Ruiz requested that the PEC receive an updated training from the City’s Attorney’s Office to be sure all Commissioners understand how to engage with the ballot measure while respecting the current ethics rules on advocating for a political measure.

On finding a potential temporary home for the program: Deputy Director Lewkow shared that there have been ongoing staff conversations with Multnomah County to create an inter-governmental agreement between Small Donor Elections and Multnomah County Elections, so that the technical home would be in the County without a City Commissioner in charge. This would address potential conflict-of-interest issues from a Commissioner both overseeing the program and having their re-election campaign impacted by the program. The potential IGA would also keep day-to-day management as is to reduce upheaval in the program’s administration. The hope is that this would be temporary until voters potentially approve the CRC’s amendment to create the IPEC in November 2024. The County is approaching the conversation positively at this stage. We have also talked to the new Auditor about this but it seems there is less interest there.

Deputy Director discussed how the City Commissioners recently re-shuffled their Bureaus and portfolios. But the SDE program—and the PEC—are still under Commissioner Rubio.

Deputy Director Lewkow discussed how in 2022, PEC discussed and identified conformations needed to program code based on the Charter reform passing. Those proposals have all been packaged up and were prepared for Commissioner Rubio and all Council offices. PEC proposed a tiered matching fund approach but there was a request for clarifying language to explain the totals available in that approach. Staff are working with City Attorneys to provide clear language. This should be moving forward with approval soon.

The PEC considered the upcoming program calendar. There was interest in having September 3, 2024 for the certification application deadline. There was interest in creating a separate deadline for mandatory training from the notice of intent, so that staff and the PEC could better project its budget demands, but still allow campaigns the most amount of time to file and move to certification. Commissioner Helstein asked if there was an issue with having an earlier training deadline in case something unforeseen happened that changed the dynamics of the race in that time. Commissioner Ruiz acknowledged that September 9th is the deadline for the voter’s guide statements. Commissioner Helstein then suggested to align all of the deadlines to be two weeks apart, and all on Tuesdays:

Candidate training deadline: Tues August 6th, 2024

Notice of Intent deadline: Tues August 20th, 2024

Certification Application deadline: Tues September 3, 2024

Chair Sample Ward motioned to approve the above timeline and Commissioner Helstein seconded. Motion was approved unanimously.

Commissioner Helstein raised the potential challenge of the number of candidates needing training in this next election cycle with all new positions open. Discussion included suggestions of a bulk training (webinar style so attendees can maintain anonymity) with private appointments for questions, a publicly posted pre-recorded training, and other options for supporting training efficiently.

**Program Evaluation Update** 7:45-8:00

* PEC subcommittee reports out its recommendation on performance evaluation, including outside law firm assessment of program penalty decisions and neutrality

Chair Sample Ward shared a report-out from the subcommittee (that included Sample Ward, Commissioner Nieves and Commissioner Purifoy) and the recommendation to add a research report by a law firm to the ongoing post-election cycle program evaluation. The subcommittee’s proposed scope of work was as follows:

1. Were the program's penalty decisions in the 2022 election cycle within the law?

2. Were there any legal or objective factual defects in the appeal order?

3. How do other jurisdictions (state & localities with public financing) handle unadvertised discounts, differentiating what is an in-kind contribution versus a legitimate discount?

4. How do other jurisdictions--where appeals processes are timely--carry out that process?

Chair Sample Ward motioned that PEC contract with an outside law firm to conduct a review with the above outlined scope. Commissioner Helstein seconded. Motion was approved unanimously.

Commissioner Purifoy requested that PEC receive the drafted scope of work once via email for review before the work begins.