**Open and Accountable Elections Commission Meeting Minutes**

*June 16, 2021*

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

7:05-7:10: Housekeeping:

* Approve minutes

The May meeting minutes were unanimously approved

7:10-7:25: Program updates:

* Recall budget/planning
* Auditor rules/charter amendment update
* Discuss timeline of work for next couple of months

The Auditor’s office received public feedback on their proposed rule changes for Honest Elections. OAE staff offered input, but the Auditor’s office did not accept most of staff’s proposals. OAE staff strongly encouraged the Auditor’s office to defer to OAE decisions on any complaints about candidates’ violating OAE rules, in order to limit potentially contradicting rulings. Commissioner Nieves: What was the Auditor’s rationale behind their decision? Director Mottet: They were concerned that OAE staff could make an “untenable decision”. But we said that if they told us that during the investigation, we would listen to their feedback and work with them. Director Mottet will meet with the Auditor’s chief of staff to ask them to defer to OAE in these determinations.

Commissioner Nelson: They Mayor is facing a potential recall. How does that work with OAE? Director Mottet: The recall campaign must gather enough signatures (around 47,000) by late September to put the recall on the ballot. They can start collecting signatures on July 1, 2021. If they Auditor’s office determines that enough signatures qualify, then the Mayor has 5 days to resign or to call an election. And if there’s no resignation, the election would occur in 30 days, or November 16th, 2021. If the Mayor resigns or the recall succeeds on November 16th, then there’s a special election for the Mayoral seat. The City Council sets the special election, and the earliest the Primary would be is January 11th and the Runoff on February 22nd. But they can also set it to coincide with the other 2022 elections, which would mean the Primary would be April 5th and the Runoff May 17th, 2022. OAE funds would not be used during the November 16th recall election, but they could be used by the candidates running in the special election. The program has enough funds to cover the costs, but it would be expensive because of the high costs that come with an open mayor’s seat. OAE needs to figure out exactly how much it would cost us, when we would need the money, and who on the Council can vote on it without having a conflict of interest. We would also need to put together a subcommittee to establish timelines, rules, and the budget for the special election. The OAEC can evaluate that in the next meeting.

The OAEC report should be reviewed soon and approved in the upcoming July meeting. Director Mottet said that the program will then bring the recommended amendments to the City Council. Drafts of any changes will be provided to the OAEC. The program will also have charter amendment language ready for the Portland Charter Review Commission. A subcommittee on the administrative rule changes will also need to be convened soon. Commissioners Ruiz, Helstein, and possibly Lee have offered to join.

7:25-7:40: User Experience Research Report

The User Experience Research Report has been drafted. Staff will have the final draft ready for the OAEC’s review in the July meeting. Commissioner Turrill added a few comments on the Google Doc. Please add any further comments or edits before then.

7:40-8:30: Approve final amendment recommendations

* OAEC unanimously approved a recommendation to eliminate the section that requires the City Council to approve administrative rule changes. This amendment would increase the OAE’s independence
* OAEC unanimously approved a recommendation to change the match cap in the mayoral races from $304,000 in the Primary and $456,000 in the Runoff, to $300,000 and $450,000 respectively. Round numbers make the rules easier to administer, explain, and understand
* OAEC members discussed changing the match rate to 9-to-1 up to $20, from 6-to-1 up to $50. Chair Sample Ward said this would be easiest to community and would limit the power of the wealthier donors. Commissioners Purifoy, Nieves, Lee, and Turrill agreed, with Commissioner Turrill adding that it would also be easier for campaigns to calculate their expected matches, and Commissioner Nieves stating that the enhanced geographical representation was an important value achieved by this proposed rate. Chair Sample Ward proposed recommending changing the match rate to 9-to-1 up to $20. Motion supported by Chair Sample Ward and Commissioners Turrill, Purifoy, Nelson, Helstein, Nieves, Lee, and Ruiz, with no Nays and Commissioner Rodriguez absent.
* Director Mottet reported back on the conversations with community stakeholders about in-kind reform proposals. The proposal that garnered the most support would be to:
  + Limit the in-kind donations to directly provided goods & services, so donors could not just cover the bill for something a campaign would normally pay for, like an ad. The exception would be for a service that increased accessibility and language inclusivity—such as paying an interpreter.
  + Clarify that all volunteer work is considered “volunteering”, including for professional services such as providing legal advice. This would exempt these activities from the in-kind limit
  + Eliminate the cap on the total in-kind. Instead of saying that a campaign could take up to $20,000 per election, say that each donor could give up to $5,000. That helps campaigns since they would not have to take on the administrative burden of tracking how close they were to the cap.
  + Allow community organizations to give in-kind donations in one of three ways

1. Can give up to $5,000 total for a broad range of services, if it’s a small donor organization where 90% of the organization’s funds comes from donors giving less than $250. OAE has ability to verify that the organization meets the 90% threshold
2. Can give up to $5,000 for specific activities that expand democracy access, such as sharing a list of members, paid staff time for a volunteer phone bank or identifying voter models, security planning, communications advice, or campaign planning. This option exists for smaller organizations that do not have the accounting resources to verify if most of their donors give less than $250
3. Any organization or induvial can give up to $250 in cash as an in-kind donation. This allows a person to provide refreshments at a house party—for instance—and not burden the campaign with the administrative tracking

* Commissioner Turrill supported the democracy access provisions.
* Commissioner Nieves: what is “security planning”. Director Mottet: certain candidates of color do not feel safe campaigning in this climate, so requested help covering the costs of security
* Commissioner Ruiz: If I was an organization that wanted to be classified as a small donor organization, I would be concerned that the threshold numbers (90% giving less than $250) could change suddenly. Can we give them assurance that the thresholds would not change suddenly? Director Mottet: we can explain that the OAEC will vote on any potential change, so there’s a clear process and the rule can’t be adjusted overnight. Commissioner Nieves: Don’t we post announcements that we take public testimony at OAEC meetings, especially when considering rule changes. Director Mottet: We do post that info on our website, and very few organizations send representatives for those meetings
* Commissioner Lee: Should we articulate how other organizations interact with this, such as 501c6 and 501 H organizations? Director Mottet: Any organization can use this, as long as they fit the requirements and have a political committee (IE a PAC). Chair Sample Ward: could we just articulate those nuances in the administrative rules? Director Mottet: we could say “any other types of organizations defined in rulemaking” in the code. Chair Sample Ward: that is a good idea, since it’s in line with how we typically operate. OAEC members offered no objects to using that method
* Chair Sample Ward moved to accept the in-kind reform proposals, with the exception that language around organization types be put in the administrative rules instead of the Code. OAEC unanimously supported the motion.