**November 20, 2019 Open & Accountable Elections Commission Meeting Minutes**

Present:

* Serin Bussell (Chair)
* Ricardo Lujan (Vice Chair)
* Courtney Helstein
* Amy Ruiz
* Sabra Purifoy
* Tom Simpson
* Amy Sample Ward
* Norman Turrill
* Daniel Lewkow (Deputy Director)

Proposed Agenda for November meeting:

* 6:05-6:15pm - Housekeeping
  + October minutes: pass?
  + Change meeting start time back to 6:30pm to account for legislative session? Starting in January? Go back to 6pm when? April?
  + Filling Daniel’s Commission seat – one thought is to suggest to David Rosenfeld to apply. If folks think he is a good fit, they should encourage him to apply. Get specific volunteers to reach out to him.
  + Still waiting for PBA to recommend a replacement for Tom.
* 6:15-6:20pm - Program updates
  + Participation:
    - Still at eight participants – same as last month.
    - Now have two certified candidates: Sarah Iannarone and Carmen Rubio.
  + Tech:
    - The parts of the software core to City implementation have all been delivered completely, with only a few small bugs/issues to be fixed in the next few weeks.
    - The contractor is still working on the ORESTAR bulk upload. No estimated delivery date yet.
    - Part I of the data visualizations are nearly ready. Will report on those next month.
  + Hiring update:
    - Making offers to seven on-call Elections Aides. Aiming to train them in December.
  + Budget:
    - Have distributed approximately $186,000 matching dollars to date.
    - Most Expensive Matching Funds Scenario document:
      * Major change: Ted Wheeler announced he won’t be using the program.
      * Confident at this point that we can keep matching 6:1 through the primary, unless something unusual happens. There will be another update at next month’s OAE Commission meeting.
* 6:20-6:35pm – Accessibility Rule proposal
  + Background: Council approved a rule requiring OAE participating candidates to not participate in debates or public events if anyone asked for a reasonable accessibility accommodation and it was not granted. But given some controversy, the program promised to come back to the Council with an amendment to it. The OAE Commission sent recommendations to Commissioners Fritz and Fish, including dropping that rule entirely. Other recommendations include the OAE program create a guide for event sponsors on how to host an accessible event and that the City Council consider setting aside funds to help organizations to help defray the cost to make events accessible in the first election cycle.
  + Recent developments: Commissioner Fritz and Fish met and settled on an agreement to amend the rule as follows:
    - Keep the rule but have it apply only when a candidate requests a reasonable accommodation and it is not granted.
      * Note: A candidate that identifies as deaf or hard of hearing has entered the Commissioner 1 race, and qualified by the ballot by declaration and paying a fee, not petition, so it doesn’t appear that this candidate will participate in the program for now (though outreach has been done and he could withdraw and refile by petition if he wishes to participate.) Regardless of program participation status, if he requests an accommodation and it isn’t granted, the rule Commissioners Fritz and Fish are proposing would prevent participating candidates from partaking the in event if the request isn’t granted.
    - Change the rule to apply instead of to all “debates and public candidate forums” apply to “forums.” This is pretty unclear language and probably needs to be refined – perhaps to clarify that at least two candidates running for the same seat must be invited for something to qualify as a forum. Or that whether an event is a forum is at the final discretion of the Director.
    - See language in printout.
* 6:35-6:50pm – How to validate donors who don’t automatically match to the Voter Registration List:
  + Current method of implementing: At present, the OAE software attempts to automatically match all donors to the voter registration list – whether their contribution is submitted as matchable or not. (Sidebar: We sometimes find matchable donors that campaigns didn’t realize were matchable and encourage all campaigns to resubmit such contributions as matchable unless they know of a reason it is not.) At present, about 20% come back as no match to the voter registration list. We send the matches a post card explaining the program and asking them to contact us if they did not make the contribution. We send the no-matches a postage paid clamshell post card to tear off and return to affirm that they are in fact a resident of Portland, at least 18, and a citizen or lawful permanent resident. If they return it, we match them. Also, if the campaign turned in a paper attestation form which asks the same thing, we match them.
  + Problem:
    - 86% of matchable contributions so far have been online credit card contributions, so they don’t come with paper attestation for us to validate if they are not a match to the VRL.
    - At least 35% of donors who receive postcards are returning them.
    - But we have contributions that aren’t getting matched that are probably matchable. There is some frustration on the part of campaigns, understandably.
  + Possible solutions:
    - Program staff looks up donors manually on VRL. It takes a little less than a minute per donor to do this. We did a sample of one campaign’s 53 non-matches and found 30 on the VRL (57% match rate for a small-ish sample).
    - Campaigns look donors up manually on VRL/VAN and send us voter registration numbers for those they are able to find.
    - Brainstorm other/additional solutions.
      * Things to keep in mind:
        + Online credit card donors have already digitally attested that the contribution is from them and they are at least 18 year old. Most haven’t attested to whether they live in the City of Portland, but we know whether their addresses are in the City of Portland. (Two campaigns direct donors to two different donor websites depending on whether they said they live in the City of Portland, and have Portland donors attest digitally that they live in the City of Portland. So those campaign’s donors have all attested to all three requirements.)
        + We can tell if an address is in the City of Portland and we will always send at least a postcard to every donor to ensure the address is valid (no return to sender) and give the donor the chance to say they didn’t make the contribution.
        + Any solution to validate a donor can’t be one that can be manipulated by the campaigns. E.g. Can’t do online validation form if the campaigns could go online and fraudulently validate everyone themselves (but could use code only donor has and campaign doesn’t have, for example).
  + New question: how to validate donors in the 10 day certification window: The City has 10 business days after a candidate applies for certification to issue a decision. If a candidate for Commissioner turns in 275 matchable contributions of the required 250, but the City can only validate 245 of them in the 10 days (e.g. not all postcards were returned), what does the City do? It is likely that at least 250 are Portland residents at least 18 years old, therefore the candidate would have met certification requirements.
    - Possible solution: City issues decision provisionally certifying the candidate pending validation of X more contributions. Does the City send matching money before certification is officially confirmed?
    - Other ideas?
* 6:50-7pm: Rewrite attestation form/postcard check boxes?
  + A small but significant number of donors are declining to check the box that asks if they are either a citizen or lawful permanent resident, even though they are. Probably for ideological reasons. Proposal: rewrite attestation document, remit example, and return postcard to eliminate this box. Instead include a line that says something like, “By signing above, I attest that I am either a U.S. citizen or lawful permanent resident and therefore and permitted to contribute to a campaign in the United States.” Thoughts?