**Portland Elections Commission**

Meeting Agenda

*October 19, 2022*

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

**Housekeeping** (7:00 pm-7:05 pm)

* Review the September meeting minutes
* Rescheduling the December PEC Meeting

The PEC agreed unanimously to reschedule the December meeting to December 14th instead of December 21st, since many members will be out for the holidays.

**Budget Update** (7:05 pm-7:10 pm)

* Analyze the total matched, distributed, and spent in the Runoff so far
* Review the amount the SDE program has remaining for the 2022 cycle

Both candidates in the runoff are close to their match cap of $240,000/candidate in the runoff (Commissioner Hardesty is around $229,000 and Rene Gonzalez is around $234,000). Since the program does not need to issue that much more in matching funds, Director Mottet explained that SDE will remain solvent through the election cycle.

**Policy Updates** (7:10 pm-7:30 pm)

* Update on the Charter Review Commission’s consideration of the PEC/SDE Independence proposal

Commissioner Rubio plans to push for a code amendment after the election, which would establish the PEC as independent and house the SDE program under it, while asking the Auditor to handle two administrative tasks at the PEC’s recommendation: HR functions and expelling PEC members in alignment with PEC bylaws. This will be a temporary measure while we wait until the charter is amended in 2024 (contingent on a referral by the Charter Review Commission and passage by the voters).

The Charter Review Commission is currently in its Phase II process and is considering a package of amendments for referral to the 2024 general election. The proposal to amend the charter to make the PEC/SDE program independent is up for consideration in Phase II. The CRC voted on Oct 11th to request that the City Attorney’s Office draft corresponding language, and the City Attorney did complete the draft. The CRC then voted on Oct 19th to accept the Attorney’s draft and to include it in the upcoming public listening sessions. The public comment period ends on Nov 28th, and the public can attend two sessions to offer testimony on Nov 17th and 19th. Then the CRC votes on either Nov 29th or Dec 3rd to refer items to the voters.

**Gonzalez Penalty Update** (7:30 pm-7:50 pm)

* Update on the developments in the assessment, reconsideration, and appeal of the penalty against the Rene for Portland Campaign

Based on a tip from a complaint filed with the Auditor’s office, the SDE program investigated the Rene for Portland campaign for a prohibited in-kind donation around its office space. The campaign accepted 3,185 square feet of downtown office space and two adjacent parking spaces for $250/month in rent. The program found that a prohibited in-kind contribution was accepted and ordered the campaign to pay the contributor the value of the prohibited in-kind, pay a penalty of the same amount, and pay a penalty for failing to report the in-kind in accordance with the formula laid out in Administrative Rules. This totaled around $77,000. The campaign then filed a Request for Reconsideration, arguing that that the fair market value of the office space was $250/month and therefore has been in compliance the whole time and the fine should be rescinded. Director Mottet responded to the Request upholding the penalty. All of the info is present on the Portland.gov/SmallDonorElections website. The program is allowed to suspend matching payments to a campaign for a large penalty amount or an egregious violation, and Administrative Rules specifically list this as an egregious violation. SDE staff told the campaign that it would resume matching payments if the campaign completed the remedy (pay the donor back, pay the penalties).

The Rene for Portland campaign has appealed the SDE program’s finding to an administrative law body. The appeal is scheduled for October 20th at 9:00 am, and the judge has 5 business days to issue an order. Then that ruling can be appealed to the Multnomah County Circuit Court.

The Auditor’s Office will also issue a ruling about whether the Rene for Portland campaign violated the Honest Elections law, which the campaign is subject to only if the SDE program finds a violation, and that ruling is due on October 20th.

**Discuss SDE Amendments if CRC Changes** (7:50-8:30 pm)

* Data presentation on ideal matching rates, followed by discussion

The PEC decided to form a subcommittee to review the remaining policy decisions and make a recommendation at the November PEC meeting