Open and Accountable Elections Commission

September Meeting Minutes

*September 16, 2020*

**Present:** OAEC members Turrill, Purifoy, Sample Ward, Helstein, Ruiz, Lujan, and Bussell. **Staff Present:** Director Mottet and Deputy Director Lewkow. **Public Present:** Cristina Nieves **Absent:** OAEC members Rodriguez and Nelson

Housekeeping (7:05 pm-7:10 pm)

* Review August OAEC Meeting Minutes

The August meeting minutes are unanimously approved

**Program Updates**

Budget (7:10 pm-7:20 pm)

* Review and discuss OAEC’s current budget and projections

Currently, the program is still on track to come in under budget for its first cycle. However, the program may need to adjust its funding formula. The original law passed in 2016 said that the program cannot be allocated more than 0.02% of the General Fund each year. And the goal was the keep around the same amount of funding each year, to reduce fluctuation and provide more stability. However, certain factors have changed the dynamic since the law was passed. The most significant was that Portland races did not have contribution limits then, but they do now due to recent ballot measures and court rulings. And since candidates who run in 2022 will be more challenged to raise a large amount under the limits, small donor matching becomes more attractive to them. Staff projections show more candidates signing up for OAE in the 2022 election, which means that the program will need to distribute more matching funds, which translates to needing a larger budget.

For the 2022 and 2024 elections, the program will likely spend under $7.8m in matching funds, which would require an annual allocation of $1.95m to have sufficient resources saved up. And that would only happen if the City Council allocated an additional $600k each year. Which would mean an annual allocation of 0.03% of the General Fund. The law would need to be changed to allow for this increase.

Commissioner Ruiz pointed out that there might not be as many candidates, since 2022 will have two incumbents running for re-election, and that typically means fewer challengers, so she suggested comparing the data to Fmr. Commissioner Nick Fish’s or Commissioner Amanda Fritz’s last campaigns. Commissioner Turrill wondered if it was a bad idea to tie the program’s allocation to the General Fund, since that could fluctuate depending on tax revenues. Commissioner Ruiz suggested making it a proportion of registered voters instead and tying it to inflation. Commissioner Purifoy suggested asking for the standard percentage in the next budget cycle, and then rethinking the formula once the program has more data. Director Mottet said that staff may request the $1.95m in the 2021 budget allocation, and rethink the formula later.

Website (7:20 pm-7:30 pm)

* New Data Visualization
* Website Transfer Process

The [OpenElectionsPortland.com](https://openelectionsportland.org/) website has updated its data visualization. It now includes data for candidates who did not run under OAE, as well as new ways to display different races. The visualization is now available for the public, and OAEC members are encouraged to look it over.

The website transfer project is still in the same phase. The site’s content has been drafted, uploaded, and migrated. Staff is waiting on Commissioner Amanda Fritz to review it and then will provide a link to the OAEC for it to engage with.

User Research Project (7:30 pm-7:55 pm)

* Review list of interviewees
* Update on question development and survey development

Staff is working with user researcher Amy Santee to prepare for the user research project. The contract with Amy is currently under development. However, Amy and staff identified the full list of interviewees. It is expensive and time consuming to interview every individual. So a portion of the candidates, campaign staff, treasurers, journalists, and organizational stakeholders will be interviewed, and the rest will have an opportunity to fill out a survey. Staff will also ask the campaigns to email a version of the survey to its donors, to better understand how members of the public and small donors interacted with the program.

OAEC Report (7:55 pm-8:20 pm)

* Follow up on Google Doc/public meeting laws question
* Discuss possible input on the introduction

By law, the OAEC must issue a report on the program’s operation in the election. The report’s introduction has been drafted and all OAEC members can now provide edits. The next phase of the report will likely be drafted once the program receives data after the election concludes.

In August, OAEC members asked whether the report’s draft could be reviewed in a shared Google Doc, and how that would interact with the City’s public meetings laws. Staff asked this to the City Attorney’s Office. The City Attorney said that a majority of OAEC members cannot be on the Google Doc at the same time, as that would form a quorum and trigger public meeting laws. Four members or fewer can be on the Doc simultaneously. Staff asked which OAEC members would like to offer their feedback on the report via the Doc. Commissioner Helstein volunteered, but also said that she did not feel strongly about it. Commissioners Ruiz and Turrill said they do not want to be on the Doc. It was discussed that the best option may be that once an OAEC member offers their feedback, Deputy Director Lewkow resends the report draft with their feedback to the full OAEC each time, and then can dedicate part of the monthly OAEC meeting to evaluating each critique.

Complaints (8:20 pm-8:30 pm)

The Portland Elections Office (which is part of the Auditor’s Department) is empowered to investigate potential campaign finance violations, including for candidates who run under OAE. It used to be that the PEO and OAE were aligned on investigations, so as not to create confusion or additional bureaucratic hurdles for campaigns and the public—especially since candidates running under OAE are exempt from many of the Honest Elections rules that the PEO enforces.

Previously, when both offices received the same complaint, OAE staff would make a determination about whether the campaign was in or out of compliance with the program, and then the PEO would follow suit. But recently, the PEO started investigating whether OAE candidates have violated OAE. Director Mottet has had conversations with PEO staff to attempt to find alignment, and has offered to help collect information from campaigns, since OAE staff has stronger relationships with the candidates than the PEO does. This dynamic highlights the need for the OAE and the PEO to be managed by one leader, and for more synthesis between our programs.

Where to house the program.

The OAE code says that the program will currently operate out of the Commissioner #1’s office until December 2020, and afterwards the Mayor can opt to move it to any other Council member’s office. In the last OAEC meeting, OAEC members voted to recommend that the program be managed by an independent commission in the long-term, instead of always being managed by an elected official.

Director Mottet provided information to OAEC members about independent commissions, including how other localities run them. The Campaign Legal Center has offered to help craft the language around any recommendation or amendment concerning an independent commission. But the OAEC could also recommend how to administer Honest Elections under a proposed independent commission, since it will likely need to be synthesized with OAE.