**Portland Elections Commission Meeting**

*September 21, 2022*

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

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

* Last month’s minutes approved, with correction that Commissioner Nieves is added to the Members Present list. Commissioner Purifoy abstained.

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

* Program made a significant penalty final yesterday. The information is online.

The penalty to the Rene for Portland Campaign has been finalized. SDE assessed the penalty at $33,250 for an illegal in-kind donation on the downtown office space and two parking spots. Based on fair market value, the campaign should have been charged more than the $250/month that they paid, $10,640 for failing to report the donations, and $33,250 to be returned to the donor. All of the materials and information related to the penalty has been posted on the Portland.gov/SmallDonorElections website. But the Rene for Portland Campaign sent out a press release about it, so this has received a lot of press coverage.

Commissioner Turrill: Is this our penalty or the Auditor’s penalty? Director Mottet: This is our penalty. The Auditor’s Office has not coordinated with our office around their own investigation of a possible violation of the Honest Elections policy, which they oversee. They did refer the original complaint to us. Only after we make our final determination does the Auditor’s Office begin their investigation. They have 18 days to complete their investigation. And the state might have to conduct its own investigation, since the campaign may have violated state reporting rules.

Commissioner Ruiz: what is the appeals process? Director Mottet: the campaign must first file a Request for Reconsideration, which can include additional information or evidence. We then have 10 days to respond to that, but we’ll try to move faster since there is limited time before the election and campaigns must make strategic decisions about how to spend their resources. Within 7 days of receiving our Response to the Request for Reconsideration, the campaign can file an appeal before a state administrative law judge. The appeal has 2 weeks to be scheduled. And we do anticipate that they will file an appeal.

Director Mottet offered to send our Request for Reconsideration and the Appeal when it has been filed.

* Charter amendment update
  + Letter from PEC and community organizations to review
  + New draft language to review
  + Code amendment for independence update

Commissioners Sample Ward, Ruiz, and Helstein joined Director Mottet for a meeting with Commissioner Rubio about the charter and code amendment. Rubio had two concerns about the PEC’s proposal: the first was about the budget request process and the second was about how the PEC members would be nominated.

Commissioner Rubio was concerned that if the PEC had mass resignations or got dysfunctional, that they would not be able to hire or fire the director. In the meeting, participants agreed that the PEC would have the power to recommend a hiring or firing action, but the Auditor would actually execute the decision. The Auditor was decided upon since her office is the elections watchdog, and Auditor campaigns have the lease amount of money in politics of all the races covered by SDE. Participants also agreed that the PEC should have the power to remove its members, but can also make a recommendation to the Auditor to then execute removal. Commissioner Ruiz: Commissioner Rubio does support independence, but recognizes that it’s hard to set up independent commissions because many of the city commissions end up breaking down.

It was also pointed out that the CRC members has limited capacity to take on any new complex policies, so Commissioner Rubio offered to move most of these details by code amendment, if it helps to simplify the charter language proposal. PEC members voted unanimously to support these policy changes.

In terms of process: the CRC’s Voting Rights Subcommittee will meet on Sept 22nd and SDE staff will present the PEC’s charter language to them. The Subcommittees then report out to the full CRC on October 3rd, and the CRC then can vote to have the City Attorney to draft the language. The full CRC then meets after the election and has a few opportunities to include this language in their Phase II referral. It requires 15 of the 17 members to vote in favor for the ballot referral, or a simple majority to refer it to City Council for them to consider referring. A letter is being drafted by SDE staff for the PEC and community groups to sign that discusses the community feedback process, why the policy is important, and why it should be done by through charter amendment instead of through code amendment. Commissioners Lee and Ruiz offered to help lobby the CRC and/or City Council staff on the proposals.

* 7:30-8:30: Amendments to consider if the charter reform passes in November

PEC members discussed a new matching rate, should the charter reform measures pass in November. Chair Sample Ward: I do not feel like we should go higher than the 9:1 match on $20 or $25. Commissioner Purifoy: I support a 10:1 on $20 for the $250 limit, since it helps keep candidates close to where they have been in their fundraising. Commissioner Nieves also supported the 10:1 on $20 with the $250 limit. Director Mottet: should we land on the 10:1 on $20 with a $250 limit for now, but revisit it in a few weeks? Commissioner Purifoy supported this move.