

IMPACT STATEMENT

Legislation title: *Amend the Open and Accountable Elections Policy (Ordinance; amend code chapter 2.16)

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Purpose of proposed legislation and background information:

The purpose of this legislation is to amend Open and Accountable Elections, City Code 2.16.

Below is a list of substantive changes:

2.160.010 Change the name of the Commission and the Fund to align with the program name.
Change the name of the Public Campaign Finance Commission and the Public Election Fund to align with the program name: Open and Accountable Elections Commission and Open and Accountable Elections Fund.

2.161.30 Increase the number of Commissioners from 7 to 9.
Changing the total number of members of the Public Campaign Finance Commission from seven to nine.

2.160.130 Change the length of terms for the initial set of Commissioners.
Currently, per the ordinance, commissioners serve four year terms beginning January of even-numbered years. Three of the initial commissioners will serve two year terms so that term expirations are staggered. This amendment would have the terms end on April 30 of odd-numbered years. It would have the first cohort of commissioners serve from January 2019 to April 2021 (the shorter term cohort) or January 2019 to April 2023 (the longer term cohort).

2.16.010 Change the start of the election cycle to 45 days after the general election.
At present, the date on which campaigns/candidates must comply with Open and Accountable Elections program rules if they wish to participate in the program for the next election is 21 days after the general election. This amendment would make it 45 days after the general election.

2.16.140 Clarify who the City Elections Officer is for the purpose of this program and that information is reported both to the program and ORESTAR.
This amendment clarifies that, for the purposes of the campaign finance information required by this program, the Director of the program is the City Elections Officer, and clarifies that while campaign finance information must still be reported to the state, it is also reported directly to the program.

Rationale:

- State law permits cities and counties to require more campaign finance information than the state requires but requires that information to be reported to the city's or county's election officer.
- The City of Portland's code designates the Auditor to the Portland's election officer.

- Without this amendment, this would mean that any campaign finance information that the Open and Accountable Elections program requires must be filed with the Auditor instead of the Open and Accountable Elections Director.
- This amendment would ensure that state and city code is consistent in requiring that information required by the Open and Accountable Elections program must be reported to the Open and Accountable Elections program.

2.16.030 Add special elections to contribution limits rule.

Though the ordinance generally applies its provisions to regular and special elections, in the section that outlines restrictions for participating and certified candidates, contribution limits apply only to regular elections candidates. This seems like an oversight. The amendment adds special elections to the provision.

2.16.180: Delay implementation of program to elections after November 1, 2019.

At present, the ordinance applies the program to any election after the 2018 election. This amendment would change the implementation date to any election after November 1, 2019.

2.16.180 Keep the program in Commissioner Fritz's office until July 1, 2019 and then house it in OMF in BFRS.

At present, the ordinance has the program housed in a commissioner's office whose seat is not up for election in the current election cycle. This amendment would keep the program in Commissioner Fritz's office through June 30, 2019 in spite of the fact that her seat is up in the 2020 election cycle, and then move the program to OMF on July 1. One concern that hasn't been ameliorated is how to protect the program from political interference, given Portland's unique charter and style of government, which isn't easily consistent with truly independent agencies/programs/commissions/etc.

2.16.010 Allow contributions below \$5 but only match contributions starting at \$5.

At present, allowable contributions are between \$5 and \$250. The intent had been for matchable contributions to be \$5-250, not allowable contributions. As written, a candidate that accepts less than \$5 from a donor would be in violation of the rules of the program and not eligible to participate, which would go against the intent of the program. (Creating a floor for matchable contributions is about preventing someone from qualifying by getting a tiny sum (say, 5 cents) from many donors, but instead showing they have support by getting at least \$5 from each donor, as well as helping to prevent fraud.

Financial and budgetary impacts:

This legislation will not impact the City's budget.

Community impacts and community involvement:

The amendments to this code has been reviewed by representatives from community-based organizations which include: Alliance for Democracy, APANO, Basic Rights Oregon, Bernie PDX, Bus Project, Coalition of Communities of Color, Color PAC, Common Cause, CWA Local 790, ENLACE , Every Voice, Latino Network, League of Women Voters, Main Street Alliance, Move to Amend Portland, NAACP Portland Branch, OPAL Environmental Justice, Oregon Education Association, Oregon League of Conservation Voters, Oregon Student Association,

Oregon Walks, OSPIRG, PCUN, Portland Forward, Represent.Us Portland, Saint Michaels Church Social Justice Group, Sierra Club, SEIU State Council, UFCW Local 555, Unite Oregon, Working Families Party

Budgetary Impact Worksheet

Does this action change appropriations?

- YES: Please complete the information below.
 NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

189336

Commissioner Fritz
Amendments
Jan. 2, 2019

Staff Summary (Amendments):

2.16.130 C. Appointments and Terms.

1. Open and Accountable Elections~~Public Campaign Finance~~ Commission members shall be appointed by Council and serve 4 year terms starting May ~~January~~ 1 of odd-numbered years, except that ~~three~~ of the initial appointments shall be as follows ~~for 2 year terms~~.
 - a. Four of the initial appointees will serve terms from January 1, 2019 to April 30, 2021; and
 - b. Five of the initial appointees will serve terms from January 1, 2019 to April 30, 2023.

Is amended to read:

C. Appointments and Terms.

1. Open and Accountable Elections~~Public Campaign Finance~~ Commission members shall be appointed by Council and serve 4 year terms starting May ~~January~~ 1 of odd-numbered years, except that ~~three~~ of the initial appointments shall be as follows ~~for 2 year terms~~.
 - a. Four of the initial appointees will serve terms from date of appointment January 1, 2019 to April 30, 2021; and
 - b. Five of the initial appointees will serve terms from January 1, 2019 date of appointment to April 30, 2023.

2.16.170 Hearings

- A. Purpose. The purpose of this Section is to provide persons or political committees adversely affected by administrative determinations and decisions made under this Chapter with a timely, effective, and impartial appeal and review of the determination by the Code Hearings Officer. Hearings will be heard by a member of the outside panel of hearings officers recommended by the ~~Public Campaign Finance Commission~~ Open and Accountable Elections Commission and appointed by the Director.

Amended to read:

- A. Purpose. The purpose of this Section is to provide persons or political committees adversely affected by administrative determinations and decisions made under this

Chapter with a timely, effective, and impartial appeal and review of the determination a by the Code Hearings Officer, to be ~~Hearings will be heard by a member of the outside panel of hearings officers recommended by the Public Campaign Finance Commission~~ Open and Accountable Elections Commission and appointed by the Director.