

Meeting Report

Public Campaign Financing Implementation Advisory Subcommittee on Program Oversight

Date and Time: Wednesday March 12th, 5:30 pm-6:30 pm

Location: Virtual

IAC Subcommittee Members Present: Kezia Wanner and Luong Nguyen

IAC Subcommittee Members Absent: Roxanna Pinotti

PCF Program Staff Present: Daniel Lewkow

Policy Overview and Discussion (50 minutes)

- Continuation of policy discussions
- What powers should the commission have?
- Potential vote on the full recommendation

Subcommittee members discussed what administrative rulemaking authority the volunteer oversight commission should have.

- Wanner and Nguyen reviewed a list of potential powers created by staff
- Wanner asked to change the proposal from the commission having the power to conduct investigations, to commission being able to set the criteria for investigations and the manner for how the investigations are conducted (including the possibility of hiring a third party to conduct an investigation). The list was updated with this change.
- IAC members then voted to make the below recommendation on programmatic oversight
- Aye votes: Kezia Wanner and Luong Nguyen. Nay votes: none. Abstaining votes: none.

This Subcommittee recommends the following policy for programmatic oversight:

The public campaign finance program will have an independent volunteer oversight commission.

- The commission will consist of 9 volunteers
- Each member will be eligible to serve a maximum of 2 terms, of 4 years each
- Members will be appointed in the following manner
 - Each County Commissioner, the Chair, the County Auditor, and the Sheriff will be able to nominate 1 individual to the oversight commission, for a total of 7 members. The current PFC oversight commission will be able to nominate the final 2 members
 - When a PCF Commission vacancy occurs, the County will receive applications from the public, in accordance with the County's processes
 - With oversight from the current commission, PCF staff will review the applications and develop a shortlist of individuals
 - PCF staff will then submit the shortlist of individuals to the whoever is empowered to nominate a replacement for that vacancy
 - The elected official or the PCF will then pick from that shortlist and submit a nomination to the County Board
 - The County Board will then vote on the replacement
- The following individuals are prohibited from serving on the oversight commission
 - Current elected officials

- Campaign staff, campaign consultants, or campaign contractors who are volunteering with or paid by a candidate running for a County office
- Any employee of Multnomah County
- Any individual employed by—or serving on the board of—an organization that has received contracts with the County in the previous year
- Any individual employed by—or serving on the board of—an organization that engages in electoral advocacy for candidates running for County offices
- Immediate family members of candidates for County office, or current County elected officials
- Any previous violators of campaign finance or public ethics laws (needs to develop a number)
- Former County elected officials or their staff within 5-7 years

Administrative Rulemaking

- Unless already established by the County Board, in the County Charter, by State or Federal law, the PCF Oversight Commission will have the administrative rulemaking authority to:
 - Adjust match caps and/or match ratios in the event of underfunding
 - Establish definitions for allowable in-kind donations
 - Establish practices around receiving complaints
 - Establish the program's timelines
 - Further define prohibited sources of contributions or prohibited services/items that campaigns can pay for
 - Establish reporting requirements
 - Establish rules for candidates switching races
 - Set the criteria to determine if investigations are needed, and the manner of how the investigations are conducted
 - Determine penalties and establish the policies around the size of penalties
 - Use of contributions and matching funds (paying campaign debt, returning unused matching funds, etc)
 - Rules around paying fair market value
- The PCF Oversight Commission will also be empowered to:
 - Issue public recommendations around the program's funding needs
 - Issue public recommendations for any policy changes to the program's rules
 - Consult on the hiring and firing decisions for the program manager
 - Review the program's performance
 - Make any other changes to the program rules, if enough members of the County Board have a conflict of interest, as defined by the County Attorney's Office