

KATE SNYDER (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
ROBERTO RODRÍGUEZ (A/L)



ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANDREW ZARRO (4)
MARK N. DION (5)

CITY COUNCIL WORKSHOP

Clean Elections

April 3, 2023 at 5:00 PM in Council Chambers

REMOTE PARTICIPATION:

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall. The public may attend the meeting in person, however space in Council Chambers is limited. The public is therefore strongly encouraged to participate remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

Please click the link below to join the webinar:

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AGENDA ITEMS:

Presentation (Perkins Thompson attorneys Jim Katsiaficas, Brandon Mazer, and Emily Arvizu, 20 minutes)

Council Discussion (40 minutes)

ADJOURNMENT:

MEMORANDUM

TO: Mayor Kate Snyder; Portland City Council; Danielle West, Interim City Manager; Michael Goldman, Acting Corporation Counsel; Ashley Rand, City Clerk

FROM: Jim Katsiaficas, Esq.; Brandon Mazer, Esq.

DATE: March __, 2023

RE: Portland Clean Elections Alternate Funding Proposals

At the March 27, 2023 Portland City Council workshop regarding the draft Portland Clean Elections ordinance, the Council requested alternate proposals for (1) the number of Qualifying Contributions required to qualify as a Certified Candidate under Portland's Clean Election Fund and (2) reducing the amount of funds distributed to Certified Candidates in contested and uncontested races.

At the workshop there appeared to be general consensus among the Council that the number of Qualifying Contributions should be increased from what was initially proposed. There also appeared to be general consensus that the amount a Certified Candidate could potentially receive from the Fund upon certification should be decreased, and that the amounts received for uncontested races should be a quarter to a half that for contested races. Finally, there was some discussion regarding the potential of having multiple funding dates to allow candidates to receive funds earlier than proposed.

With these discussions in mind, we have provided a summary of the current proposal provided in the draft ordinance, along with three alternate proposals for the Council's review and discussion. None of the proposals need to be reviewed in a vacuum, and aspects of each can be utilized to create the final ordinance.

As the Council reviews the proposals there are a few key dates that we have provided that may help lead the conversation. For the purposes of discussion, the dates are regarding the 2023 election but could be adjusted slightly for future election dates if the Charter were amended.

- **June 30, 2023.** Pursuant to the Charter, this is the first date that nomination papers can be made available to potential candidates (127 days prior to the election).

- **August 14, 2023.** Pursuant to the Charter, this is the first date that the nomination papers can be submitted to the City Clerk (85 days prior to the election).
- **August 28, 2023.** Pursuant to the Charter, this is the last date that the nomination papers can be submitted to the City Clerk (71 days prior to the election).

Alternate Proposal 1—Increase Qualifying Contributions; Lower Distributed Amount

Alternate Proposal 1, which acts as the baseline for the other two proposals, simply increases the number of \$5.00 Qualifying Contributions for each candidate and seat and decreases the amount of funds distributed to each Certified Candidate. This also ensures a greater level of early candidate outreach to the public to obtain the additional Qualifying Contributions.

There are no proposed changes to the Seed Money limits in Proposal 1.

There are no proposed changes to any of the “Key Dates” or the date that the funds would be distributed to Certified Candidates.

As to the amount proposed to be distributed to each candidate from the Fund, during the workshop there appeared to be some consensus to bring the amount distributed to a mayoral candidate below \$100,000. Councilor Rodriguez suggested somewhere between \$70,000-\$80,000, with Councilor Ali generally agreeing. Therefore, we have suggested the maximum amount distributed from the Fund to a mayoral candidate be \$75,000. We then attempted to lower each other seat at a generally proportional rate. Similarly, we lowered the amount distributed for uncontested races based on the feedback received during the workshop.

Alternate Proposal 2—Increase Seed Money Limits; Increase Qualifying Contributions; Lower Distributed Amount

Councilor Trevorrow raised the concern that candidates may need access to funding sooner than what has been currently proposed. As an alternative to multiple funding dates, which we discuss in Alternate Proposal 3 below, or to providing funds before a candidate files completed nomination petitions, we have proposed increasing the aggregate Seed Money Contributions a candidate may raise. By doing so, increased funding potentially would be available to Participating Candidates sooner. Further, in the event the total amount distributed from the Fund to a candidate needs to be pro-rated, and that candidate opts to withdraw as a Participating Candidate due to the lower-than-expected funding, no money from the Fund would have been distributed and that candidate could retain the raised seed money as a traditional candidate.

Finally, any Seed Money raised would be deducted from the total amount distributed to a candidate, so a higher aggregate amount could help subsidize the amount needed in the Fund.

As in Alternate Proposal 1, we have also increased the Qualifying Contributions and lowered the distributed amount to candidates.

Alternate Proposal 3—Increase Qualifying Contributions; Lower Distributed Amount; 2 Rounds of Funding

Both Councilor Trevorrow and Councilor Rodriguez showed interest in exploring two rounds of funding in an attempt to distribute amounts from the Fund to candidates sooner than initially proposed. However, there also were concerns raised about distributing funds to a candidate prior to that candidate submitting his or her nomination petitions and qualifying for the ballot.

Alternate Proposal 3 proposes to have two rounds of funding. The first round of funding would be dispersed on August 25, 2023 and only available to those candidates who turn in both their nominating petitions and qualifying papers on the first day they are allowed to do so (August 14, 2023). The first round of funding would be approximately 1/3 the total funding available to the candidate.¹

The second round of funding would remain September 8, 2023 for any candidates that turn in their nominating petitions and qualifying papers after August 14, 2023. The remaining funding owed to candidates who received funding during the first round also would be distributed on this date.

While providing two rounds of funding under this Alternate Proposal 3 only advances the Clean Elections funding date by an extra two weeks to those candidates that qualify, this is as much as the Charter currently allows if the goal is to avoid making Fund distributions before candidates submit their nomination petitions and qualify to be placed on the ballot.

As in Alternate Proposal 1, we have increased the Qualifying Contributions and lowered the distributed amount to candidates.

¹ The 1/3 was calculated for Mayor and then was rounded for ease for the other lower ballot candidates.

CURRENT PROPOSAL

	SEED MONEY LIMITS
Mayor	\$5,000
City Council—At Large	\$2,000
City Council—District	\$1,000
School Board—At Large	\$1,000
School Board--District	\$500

	QUALIFYING CONTRIBUTIONS
Mayor	300
City Council—At Large	150
City Council—District	60
School Board—At Large	60
School Board--District	60

DISTRIBUTED AMOUNT	Contested	Uncontested
Mayor	\$120,000	\$60,000
City Council—At Large	\$32,000	\$16,000
City Council—District	\$12,000	\$6,000
School Board—At Large	\$9,000	\$4,500
School Board--District	\$4,500	\$2,250

KEY DATES

2023/2024

June 30, 2023	Nomination Petitions Available (<i>127 Days Prior</i>)
June 30, 2023	Qualifying Papers/Declaration of Intent Forms Available
August 14, 2023	First Day Nomination Petitions Can Be Turned In (<i>85 Days Prior</i>)
August 14, 2023	First Day Qualifying Papers Can Be Turned In
August 15, 2023	Seed Money Report Due
August 28, 2023	Last Day Nomination Petitions Can Be Turned In (<i>71 Days Prior</i>)
August 28, 2023	Last Day Qualifying Papers Can Be Turned In
September 8, 2023	Clean Election Funding Dispersed to All Certified Candidates

**ALTERNATE PROPOSAL 1
INCREASE QCs
LOWER DISTRIBUTED AMOUNT**

	SEED MONEY LIMITS
Mayor	\$5,000
City Council—At Large	\$2,000
City Council—District	\$1,000
School Board—At Large	\$1,000
School Board--District	\$500

	QUALIFYING CONTRIBUTIONS
Mayor	500
City Council—At Large	250
City Council—District	100
School Board—At Large	75
School Board--District	50

DISTRIBUTED AMOUNT	Contested	Uncontested
Mayor	\$75,000	\$25,000
City Council—At Large	\$25,000	\$10,000
City Council—District	\$10,000	\$4,000
School Board—At Large	\$5,000	\$2,000
School Board--District	\$3,000	\$1,500

KEY DATES

2023/2024

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June 30, 2023	Qualifying Papers/Declaration of Intent Forms Available
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August 14, 2023	First Day Qualifying Papers Can Be Turned In
August 15, 2023	Seed Money Report Due
August 28, 2023	Last Day Nomination Petitions Can Be Turned In (<i>71 Days Prior</i>)
August 28, 2023	Last Day Qualifying Papers Can Be Turned In
September 8, 2023	Clean Election Funding Dispersed to All Certified Candidates

ALTERNATE PROPOSAL 2
INCREASE SEED MONEY LIMITS
INCREASE QCs
LOWER DISTRIBUTED AMOUNT

	SEED MONEY LIMITS
Mayor	\$10,000
City Council—At Large	\$5,000
City Council—District	\$2,500
School Board—At Large	\$1,500
School Board--District	\$1,000

	QUALIFYING CONTRIBUTIONS
Mayor	500
City Council—At Large	250
City Council—District	100
School Board—At Large	75
School Board--District	50

DISTRIBUTED AMOUNT	Contested	Uncontested
Mayor	\$75,000	\$25,000
City Council—At Large	\$25,000	\$10,000
City Council—District	\$10,000	\$4,000
School Board—At Large	\$5,000	\$2,000
School Board--District	\$3,000	\$1,500

KEY DATES

2023/2024

June 30, 2023	Nomination Petitions Available (<i>127 Days Prior</i>)
June 30, 2023	Qualifying Papers/Declaration of Intent Forms Available
August 14, 2023	First Day Nomination Petitions Can Be Turned In (<i>85 Days Prior</i>)
August 14, 2023	First Day Qualifying Papers Can Be Turned In
August 15, 2023	Seed Money Report Due
August 28, 2023	Last Day Nomination Petitions Can Be Turned In (<i>71 Days Prior</i>)
August 28, 2023	Last Day Qualifying Papers Can Be Turned In
September 8, 2023	Clean Election Funding Dispersed to All Certified Candidates

**ALTERNATE PROPOSAL 3
INCREASE QCs
LOWER DISTRIBUTED AMOUNT
2 ROUNDS OF FUNDING**

	SEED MONEY LIMITS
Mayor	\$5,000
City Council—At Large	\$2,000
City Council—District	\$1,000
School Board—At Large	\$1,000
School Board--District	\$500

	QUALIFYING CONTRIBUTIONS
Mayor	500
City Council—At Large	250
City Council—District	100
School Board—At Large	75
School Board--District	50

1st Round	Contested	Uncontested
Mayor	\$25,000	\$12,500
City Council—At Large	\$10,000	\$5,000
City Council—District	\$5,000	\$2,000
School Board—At Large	\$2,500	\$1,000
School Board--District	\$1,000	\$500

2nd Round	Contested	Uncontested
Mayor	\$50,000/\$75,000	\$12,500/\$25,000
City Council—At Large	\$15,000/\$25,000	\$5000/\$10,000
City Council—District	\$5,000/\$10,000	\$2,000/\$4,000
School Board—At Large	\$2,500/\$5,000	\$1,000/\$2,000
School Board--District	\$2000/\$3,000	\$100/\$1,500

**KEY DATES
2023/2024**

June 30, 2023	Nomination Petitions Available (<i>127 Days Prior</i>)
June 30, 2023	Qualifying Papers/Declaration of Intent Forms Available
August 14, 2023	First Day Nomination Petitions Can Be Turned In (<i>85 Days Prior</i>)
August 14, 2023	First Day Qualifying Papers Can Be Turned In
August 15, 2023	Seed Money Report Due
August 25, 2023	1st Round of Funding Dispersed to Certified Candidates Submitted on Aug. 14
August 28, 2023	Last Day Nomination Petitions Can Be Turned In (<i>71 Days Prior</i>)
August 28, 2023	Last Day Qualifying Papers Can Be Turned In
September 8, 2023	2 nd Round of Funding Dispersed to All Certified Candidates